

**Federal State Autonomous Educational Institution of Higher Professional  
Education  
National Research University – Higher School of Economics**

Faculty of Law

Chair of the Theory and History of law

**Working Program of the Course**

**«Introduction to Russian law»**

For educational program «Jurisprudence»

Professional area: 030900.62  
level: bachelor

Author of the program:

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Approved by the Chair of Theory and History of Law at its session

«\_\_\_»\_\_\_\_\_ 2016

Head of the Chair: professor V.B.Isakov \_\_\_\_\_

Approved «\_\_\_»\_\_\_\_\_ 2016

Academic supervisor of the educational program

V.N.Rusinova \_\_\_\_\_

Moscow-2016

*This program cannot be used by other subdivisions of the University and by other educational institutions without prior permission of the Chair, where the program has been created*

## 1. Area of application and references to normative regulation

This program of the discipline establishes the minimal requirements to students' knowledge and skills and defines the content and types of classes and assignments.

The program is written for the teachers of the course, teacher's assistants and students of the "Jurisprudence" educational program, professional area 030900.62, the bachelor's level, who study the above said discipline.

The program is drafted in compliance with:

- The educational standard of National Research University – Higher School of Economics for professional area 030900.62 «Jurisprudence», bachelor's level (approved by the Academic Council of the State University - Higher School of Economics, protocol of 02.07.2010 № 15, edited in 2011);
- Educational program for professional area 030900.62 «Jurisprudence», bachelor's level;
- Working educational plan of National Research University – Higher School of Economics for professional area 030900.62 «Jurisprudence», bachelor's level (approved in 2015).

## 2. Aims of mastering the discipline

**The aim of mastering the discipline** is to obtain introductory knowledge and basic skills in the area of Russian law and legal system.

### 1) Knowledge of:

- main characteristics of system of constitutional, administrative, civil, criminal and procedural law;
- system of government, local self-government, judicial system in their development since 1993 up to the present moment;
- main characteristics of Russian federalism;
- the most significant decisions of the Constitutional Court;
- peculiarities of Russian legal order, legal culture and legal consciousness;
- role of main legal institutions and legal profession.

### 2) Skills:

- to read a range of complex works about Russian law and to summarize their content accurately;
- to identify and find English-language resources on Russian law in, including legislation, relevant academic works and articles, judicial decisions and legal commentaries;
- to analyze basic concepts underlying the main branches of Russian substantive and procedural law;
- to analyze constitutional principles of Russian law from political and legal perspective and their application in practice;
- to analyze Russian law in context;
- to provide review of Russian legislation and judicial practice in comparative perspective;
- to seek and make use of feedback;
- to participate in discussions, articulate and defend own positions.

### 3) Formation of:

- legal culture and legal consciousness;
- critical thinking.

**Summary of the course:** The course includes overview of the main sources of Russian law and their hierarchy, basic principles of Russian constitutional, civil, criminal, administrative law and law of civil, administrative and criminal procedure; analysis of relevant legal concepts and judicial practice with the emphasis on the interpretation of legal norms given by the Constitutional Court of the Russian Federation. This subject is examined in historical and comparative perspectives to show the place of law, legal order and legal institutions in Russia on its way to rule of law and democracy.

### 3. Competences requirements on the course completion

Upon completion of the course the student will acquire the following special (SC) and professional (PC) competences:

Competence's code	Competence's content
SC-2	is able to apply professional knowledge and skills in practice
SC-3	is able to improve and develop intellectual and cultural level
SC-4	is able to freely use foreign language as a means of business communication
PC-1	is able to protect rights and freedoms and to ensure law and legal order
PC-2	is able to realize different types of professional activity with observance of basic legal and professional rules of ethics
PC-4	is able to communicate in legal English in written and oral form, to participate in professional and academic discussions
PC-6	is able to search for, analyse and process legal information by using different methods
	is able to competently carry out research in the field of law
	is able to interpret legal rules

### 4. Place of the course in the structure of the educational program

This course is a part of the professional cycle of disciplines. The discipline is an elective course. Successful mastering of the course will help to better master the disciplines “Comparative law”, “Civil law”, “Criminal law”, “Civil Procedure”, “Criminal Procedure”, “Administrative Law and Procedure”, “The History of Political and Legal Studies”, “Human Rights” and for the preparation for the final exams in “Constitutional Law” and “Theory of Law”.

#### The requirements to the students:

For enrollment to this course the students must have introductory awareness in theory of law and good command of legal English.

### 5. Course content and sequencing

№	Topic	Hours /Total	Class work		Self-preparation
			Lectures	Seminars	
1	Introduction to the course. Russian law in comparative perspective		2	0	

2	Sources of Russian law and their hierarchy		2	0	
3	History of constitution-making. Transition to democracy and the rule-of-law		0	2	
4	Federalism. Division of powers between the federation and the regions. Local self-government.		2	2	
5	Separation of powers. The legislative branch. The executive branch.		2	2	
6	Election law and electoral system		2	0	
7	Judicial system. The Constitutional Court		2	0	
8	Constitutional rights and freedoms and legal institutions for their protection		0	4	
9	Russian Civil Law. Protection of the rights of entrepreneurs		2	2	
11	Civil and <i>Arbitrazh</i> procedure		0	2	
12	Criminal Law		2	0	
13	Criminal Procedure. Investigation. Jury trials		0	2	
14	Administrative Law and Procedure		2	0	
15	Legal profession/Migration law/Tax system		0	2	
16	Legal regulation of Internet		0	2	
	<b>Total</b>		18	20	

## 6. Forms of control

Type of control	Form of control	Parameters **		
		1	2	
Current	Class attendance and participation in class discussions	*	*	Students are required to come prepared to each lecture and seminar and be ready to answer the questions and elaborate on the mandatory readings. Attendance without preparation results in average 4 grade (moderate) for this part of the course.
	Essay		*	5-7 pages. The topic should be approved by the teaching professor. No same topics are allowed for 2 or more students.
	Take-home assignment/ team presentations		*	Identification and selection of Internet and other sources on the Russian law in the assigned area, team preparation of power-point presentation on the selected topic (5-7 slides, 15 min for a team)
Inter-mediate	Oral exam			Oral exam consists of 2 short theoretical questions on knowledge of basic concepts (50% of the grade for the exam altogether) and an open-ended question

				for discussion. Students are allowed to bring and use their own notes and printed materials. Use of Internet and any kind of gadgets is strictly prohibited and results in zero grade.
Final	Accumulative grade			Results from class participation + homework + essay + exam

The control is administered on grading and rating basis. The current control includes attendance/class participation, preparation of presentation in teams, an essay.

### 6.1. Criteria for evaluation and grading

Attendance and participation in class discussions 30%

Team web-presentation- 10 %

Essay – 20%

Exam – 40%

### 6.2. Final grade

Final grade is formed according to the following formula:

$$Fin = Attn*0,3 + HW*0,1 + Essay*0,2 + Exam*0,4$$

where: *Attn* = a score for attendance/class participation; *HW* – score for homework/team presentation; *Essay* – score for the essay; *Exam* – score for the exam.

In case of failure new exam is held in oral form (3 questions).

## 7. Content of the Course

### Lecture 1. Introduction to the course. Russian Law in comparative perspective.

Aims and objectives of the course. English language sources on the Russian law and legal system. Studying Russian law in English: terminological and cultural difficulty. Russian legal system as a continental legal system. The civil law tradition in “socialist law” and contemporary Russian law. Russian law in context. Legal research on Russian law. English-language resources: legislation and court judgments .

#### Mandatory reading:

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Pp. 1-9.

#### Further reading:

Jane Henderson. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing. Oxford and Oregon, 2011. P. 1-11.

Kristoffer Svendsen. The Constitutional Framework of Political Powers of the Russian Federation // *Bond Law Review*. Vol. 19, Issue 1, Article 8. 2007, pp. 2-3.

<http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1335&context=blr>

Krasnov Mikhail. The Legal System of the Russian Federation // *Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries*. Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. S. 9-77.

Hendley, Kathryn. “‘Telephone Law’ and the ‘Rule of Law:’ The Russian Case,” *Hague Journal on the Rule of Law*, vol. 1, no. 2, pp. 241-264, 2009.

Vasilieva S. Business community and authorities: constitutional and legal forms of relationship. Preprint. Law. Higher School of Economics, 2013. No. 14/LAW/2013.

## **Lecture 2. Sources of Russian law and their hierarchy.**

Sources of law in the Russian legal system. Hierarchy of legal rules (norms) in the Russian legal system. Legislation and other normative acts as the sources of law. Collisions between the sources of law. Debates on the role of the judicial decisions. Decisions of the European Court of Human Rights and the Constitutional Court in the Russian legal system.

### **Mandatory reading:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Pp. 9-55.

### **Further reading:**

Krasnov Mikhail. The Legal System of the Russian Federation // *Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries*. Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. S. 9-77.

## **Seminar 1. History of constitution-making. Transition to democracy and the rule-of-law.**

1. Historical background and Russia’s struggle for constitutionality. History and nature of the Constitution. Main characteristics of the constitutional system.
2. Russia as a democratic state. Solzhenitsyn’s claim of “unpreparedness for democracy”. Claims of “path dependency”. “Sovereign democracy” and other definitions of democracy in Russia.
3. Structure of the Constitution. Constitutional amendments.

### **Mandatory reading:**

Constitution of the Russian Federation. 1993. Art.art. 1-16.

<http://www.ksrf.ru/en/Info/LegalBases/ConstitutionRF/Pages/default.aspx>

Jane Henderson. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing. Oxford and Oregon, 2011. P. 1-11; 59-93.

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 5, pp. 237-244.

Krasnov Mikhail. Solzhenitsyn’s Nation-Building Paradigm, or Twenty Years Later // *Social sciences*. Volume 42. Number 2, 2011. East View Information Services, Inc. Minneapolis, USA. P.79–94.

### **Optional:**

Andrzej Walicki. *Legal philosophies of Russian liberalism*. Clarendon Press, Oxford, 1987. Chapter 1 (about “spirit of law” and “Russian sole”, liberal though in Russia before 1917, and crisis of legal world-view).

Jane Henderson. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing, Oxford and Oregon, 2011. P. 12-58; 81-101.

### **Lecture 3. Federalism. Division of powers between the federation and the regions. Local self-government**

Structure of the Federation. Asymmetric federalism. The Federation Treaty and the Constitution. Developments of the Russian Federation: from “parade of sovereignties” to the “vertical of power”. Delineating powers between the federation and the subjects. Federal requirement regarding governmental structure of subjects of federation. From elections to nomination of governors and back again. Local self-government.

#### **Mandatory reading:**

Constitution of the Russian Federation. 1993. Chapter 3.

<http://www.ksrf.ru/en/Info/LegalBases/ConstitutionRF/Pages/default.aspx>

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation - Sixth Edition*. Huntington, New York : Juris Publishing, 2015. Chapter 5, pp. 286-323.

#### **Further reading:**

Jane Henderson. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing, Oxford and Oregon, 2011. P. 94-103.

Krasnov Mikhail. *The Legal System of the Russian Federation // Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries*. Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. P. 18-19.

Kristoffer Svendsen. *The Constitutional Framework of Political Powers of the Russian Federation // Bond Law Review*. Vol. 19, Issue 1, Article 8. 2007, pp. 4-12.

<http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1335&context=blr>

#### **Normative Acts:**

Law “On general principles of organization of local self-government”, Federal Law No 131-FZ.

### **Seminar 2. Division of powers between the federation and the regions. Local self-government.**

1. Why Russian is called “asymmetric federation”?
2. Issues in federal jurisdiction, issues in joint jurisdiction and residual powers: constitutional design and case-law.
3. Changes in the federal structure since 1993.
4. Competence of local government. Constitutional disputes on the powers of the subjects of federation and the powers of local self-government.

#### **Mandatory Reading:**

Constitution of the Russian Federation. 1993. Chapter 3.

<http://www.ksrf.ru/en/Info/LegalBases/ConstitutionRF/Pages/default.aspx>

*The Constitutional Court of the RF. Case concerning the Federal law “On Advertising”*, Judgment 4-II, VKS 1997, No. 1. P.54 (March 4, 1997) – in Russian (English summary is available in: Peter B. Maggs et al. *Law and Legal System...* pp. 301-302)

*The Constitutional Court of the RF. Case concerning Charter (Ustav) of the Altai Region*, Ruling No. 2-II, VKS 1996, No. 1, p. 13 (January 18, 1996) – in Russian (English summary is available in: Peter B. Maggs et al. *Law and Legal System...* pp. 301-302 pp. 305-306)

*Appointment of Governors Case*, Ruling No. 13-II, Sobranie, 2006, No. 3, item 336 (December 21, 2005) – in Russian English summary is available in: Peter B. Maggs et al. *Law and Legal System...* pp. 313-317)

*The Constitutional Court of the RF. Case on the constitutionality of the Statute of Mordovia of January 20, 1996 “On temporary Emergency Measures in the Fight Against Crime”*, Ruling No. 11-P, July 1997. (English summary is available in: English summary is available in: Peter B. Maggs et al. *Law and Legal System...* pp. 51-54)

Elena Lukyanova. [On the Rule of Law in the Context of Russian Foreign Policy](http://www.russianlawjournal.org/index.php/jour/article/view/81/93) // Russian Law Journal, vol. 3, no 2, 2015. <http://www.russianlawjournal.org/index.php/jour/article/view/81/93>

Alexander Blankenagel. Russia - a Multilevel Federation // Federalism in Russia. Edited by Dr. Rafael Khakimov. Kazan, 2002. P. 49-57. [http://www.kazanfed.ru/dokladi/federalism\\_eng.pdf](http://www.kazanfed.ru/dokladi/federalism_eng.pdf)

### **Further reading:**

#### **Normative Acts:**

Law “On general principles of organization of local self-government”, Federal Law No 131-FZ.

#### **Books and articles:**

Jane Henderson. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing. Oxford and Oregon, 2011. P. 94-103; 148-152.

Federalism in Russia. Edited by Dr. Rafael Khakimov. Kazan, 2002. P. 1-27; 212-278.  
[http://www.kazanfed.ru/dokladi/federalism\\_eng.pdf](http://www.kazanfed.ru/dokladi/federalism_eng.pdf)

Ekaterina Zhuravskaya. Federalism in Russia. // Economic and Financial Research at New Economic School, April 2010, Working paper No 141. [www.cefir.ru/download.php?id=2453](http://www.cefir.ru/download.php?id=2453)

Krasnov Mikhail. *The Legal System of the Russian Federation* // Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries. Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. P. 41-43 (on local self-government).

#### **Cases:**

*Constitutional Court of the RF. Judgment of 13 March 1992 No. II-P3-1* in the case concerning the review of constitutionality of the Declaration on the State Sovereignty of the Republic of Tatarstan of 30 August 1990, the Law of the Republic of Tatarstan of 18 April 1991 “On Amendments to the Constitution (Basic Law) of the Republic of Tatarstan, the Law of the Republic of Tatarstan of 29 November 1991 “On the Referendum of the Republic of Tatarstan”, the Resolution of the Supreme Soviet of the Republic of Tatarstan of 21 February 1992 “On the Holding of the Referendum of the Republic of Tatarstan on the Issue of State Status of the Republic of Tatarstan”. (available only in Russian)

*The Constitutional Court of the Russian Federation Decision of 6 October 2015 No. 2004-O/2015* about refusal to take for consideration the complaint by Yuri Gurman et al. For violation of their constitutional rights by the provisions of the Federal law “On General Principles of Organization of Local Self-Government in the Russian Federation” and Art. 2 of the Law of Chelyabinsk oblast “On several issues of legal regulation of organization of local self-government in Chelyabinsk oblast”

*The Constitutional Court of the RF. Judgment of 14 May 2013 No. 9-II* in the case concerning the review of constitutionality of Item 4 of Article 26 of the Federal Law of 22nd August, 2004 No. 122-ФЗ “On Amendments to the Legislative Acts of the Russian Federation and Recognizing Some Legislative Acts of the Russian Federation as Having Lost Force in Connection with Adoption of the Federal Laws “On Amendments and Supplements to the Federal Law “On General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of Subjects of the Russian Federation” and “On General Principles of Organization of Local Self-Government in the Russian Federation” in connection with the complaint of N.M.Morenko.([Resume](#))

*The Constitutional Court of the Russian Federation. Judgment of 27 June 2013 No. 15-II in the case concerning the review of constitutionality of the provisions of Sections 3 and 10 of Article 40 of the Federal Law "On General Principles of Organization of Local Self-Government in the Russian Federation" and Item 3 of Section 1 of Article 83 of the Labour Code of the Russian Federation in connection with the complaint of A.V.Dubkov. ([Resume](#))*

*The Constitutional Court of the Russian Federation Judgment of 19th March, 2014 No. 6-II/2014 on the case concerning the review of constitutionality of the International Treaty Between the Russian Federation and the Republic of Crimea on Admission of the Republic of Crimea into the Russian Federation and Creation of New Subjects in the Composition of the Russian Federation, pending its entry into force, in connection with the request of the President of the Russian Federation. ([Resume](#))*

#### **Lecture 4. Separation of Powers. The legislative branch. The executive branch**

Russian model of the separation of powers. Executive power, the President and the Government. Presidential powers. Implied powers. The Government's role and powers. The Federal Assembly: the State Duma and the Federation Council. Checks and balances in the Constitution and later statutes. Para-constitutional institutions. *Prokuratura* (prosecutors' office): its status in the legal system, role and powers.

##### **Mandatory reading:**

Jane Henderson. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing. Oxford and Oregon, 2011. P. 105-192.

##### **Further reading:**

Kristoffer Svendsen. *The Constitutional Framework of Political Powers of the Russian Federation* // *Bond Law Review*. Vol. 19, Issue 1, Article 8. 2007, pp. 12-30, 35-36.

<http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1335&context=blr>

Krasnov Mikhail. *The Legal System of the Russian Federation* // *Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries*. Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. P. 8-18 (central bodies of state power), 35-36 & 43-46 (procurator's office, prosecution).

Amy J. Weisman. *Separation of powers in Post-Communist Government: A Constitutional Case Study of the Russian Federation* // *American University International Law Review*. Vol. 10, Issue 4, Article 6, 1995.

<http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1450&context=auilr>

#### **Seminar 3. Russian model of the separation of powers.**

1. The structure of the Federal Assembly. Formation of the State Duma and the Federation Council.
2. Legislative activity of the Federal Assembly. Constitutional amendments. Ordinary statutes.
3. Budgetary control and other controlling functions of the legislature over the executive.
4. Separation of powers in the judgments of the Constitutional Court.

##### **Mandatory reading:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 5, pp. 251-275.

**Case-law:**

*The Supreme Court (Cassation Division): Kol'skaya Mining and Metal Company v. Government of the Russian Federation.* No. KAS 02-232, Nalogi 2002, No. 27, June 4, 2002. ( English summary is available in: Peter B. Maggs et al. *Law and Legal System...* pp. 145-146

*The Constitutional Court: Request from the Government of the Russian Federation, Determination of December 10, 2002, No. 2002, No. 284-O* (English summary is available in: Peter B. Maggs et al. *Law and Legal System...* pp. 146-149)

On appointment of the Government's Chairman: *The Constitutional Court* . Judgment of 11 December 1998 No. 28-П in the case concerning the interpretation of the provisions of Section 4 of Article 111 of the Constitution of the Russian Federation.

On veto power: *The Constitutional Court* , Judgment of 22 April 1996 No. 10-П in the case concerning the interpretation of certain provisions of Article 107 of the Constitution of the Russian Federation. // Постановление Конституционного Суда РФ от 22 апреля 1996 г № 10-П по делу толковании отдельных положений статьи 107 Конституции Российской Федерации. СЗ РФ, 1996. № 18. Ст. 2253; ВКС. 1996. № 3.

On implied powers: *The Constitutional Court* , Judgment in the case concerning the review of constitutionality of the Decree of the President of the Russian Federation of 30 November 1994 No. 2137 "On Measures for Restoration of Constitutional Legality and Legal Order on the Territory of the Chechen Republic", the Decree of the President of the Russian Federation of 9 December 1994 No. 2166 "On Measures of Suppression of Activity of Illegal Armed Units on the Territory of the Chechen Republic and in the Zone of Osetia-Ingush Conflict", the Resolution of the Government of the Russian Federation of 9 December 1994 No. 1360 "On Ensuring State Security and Territorial Integrity of the Russian Federation, Legality, Rights and Freedoms of Citizens, Disarmament of the Illegal Armed Units on the Territory of the Chechen Republic and Regions of the North Caucasus Adjacent to It", the Decree of the President of the Russian Federation of 2 November 1993 No. 1833 "On Basic Provisions of the Military Doctrine of the Russian Federation" // Постановление КС РФ от 31 июля 1995 года № 10-П по делу о проверке конституционности Указа Президента Российской Федерации от 30 ноября 1994 года № 2137 «О мероприятиях по восстановлению конституционной законности и правопорядка на территории Чеченской Республики», Указа Президента Российской Федерации от 9 декабря 1994 года № 2166 «О мерах по пресечению деятельности незаконных вооруженных формирований на территории Чеченской республики в зоне осетино-ингушского конфликта», Постановления Правительства Российской Федерации от 9 декабря 1994 года № 1360 «Об обеспечении государственной безопасности и территориальной целостности Российской Федерации, законности, прав и свобод граждан, разоружения незаконных вооруженных формирований на территории Чеченской Республики и прилегающих к ней регионов Северного Кавказа», Указа Президента Российской Федерации от 2 ноября 1993 года № 1833 «Об основных положениях военной доктрины Российской Федерации» // Собрание законодательства Российской Федерации. 1995. № 33. Ст. 3424; 1995. № 35

On delineation of the powers of the President, the Government and the State Duma to define the structure of the Government: *The Constitutional Court* , Judgment of 27 January 1999 No. 2-П in the case concerning the interpretation of Articles 71 (Paragraph "г"), 76 (Section 1) and 112 (Section 1) of the Constitution of the Russian Federation/ Постановление Конституционного Суда РФ от 27 января 1999 г. № 2-П «По делу о толковании статей 71 (пункт «г»), 76 (часть 1) и 112 (часть 1) Конституции Российской Федерации»

On powers of the President to legislate by Decrees:

*The Constitutional Court*, Judgment of 30 April 1996 No. 11-П in the case concerning the review of constitutionality of Paragraph 2 of the Decree of the President of the Russian Federation of 3 October 1994 No. 1969 "On Measures of Reinforcement of the Unified System of Executive Power in the Russian Federation" and Paragraph 2.3 of the Statute on Head of Administration of a Territory, a Region, a City of Federal Significance, Autonomous Region, Autonomous District of the Russian Federation approved by the said Decree// Постановление Конституционного Суда РФ от 30 апреля 1996 года № 11-П по делу о проверке конституционности пункта 2 Указа Президента Российской Федерации от 3 октября 1994 года « 1969 «О мерах по укреплению единой системы исполнительной власти в Российской Федерации» и пункта 2.3 Положения о главе администрации края, области, города федерального значения, автономной области, автономного округа Российской Федерации, утвержденного названным Указом // Собрание законодательства Российской Федерации. 1996. № 19. Ст. 2320.

#### On dismissal of the General Attorney:

*The Constitutional Court Judgment of 1 December 1999 No. 17-II in the case concerning the resolution of a dispute on competence between the Council of Federation and the President of the Russian Federation concerning the belonging of the power to issue an act on temporary dismissal of the Prosecutor General of the Russian Federation from office in connection with the institution of the criminal procedure against him.* // Постановление Конституционного Суда РФ от 1 декабря 1999 г. № 17-П «По спору о компетенции между Советом Федерации и Президентом Российской Федерации относительно принадлежности полномочия по изданию акта о временном отстранении Генерального Прокурора Российской Федерации от должности в связи с возбуждением в отношении него уголовного дела». Собрание законодательства РФ, 20.12.1999. № 51. Ст. 6364.

### **Lecture 5. Election law and the electoral system.**

1. Main principles of election system: elections to the State Duma, Federation Council and to the post of President.
2. Voting rights. Regulation of political advertising and media coverage of elections. Finance of the election campaigns.
3. Election-related legal disputes. Judicial protection of electoral rights.
4. Referenda.

#### **Mandatory reading:**

The election system of the Russian Federation // The EU-Russia Centre Review. Issue 17. A study by Bill Bowring. <http://www.eu-russiacentre.org/wp-content/uploads/2008/10/Review17.pdf>

“New rules for next Russian parliamentary election” , RT, 24 February 2014 // <http://www.rt.com/politics/duma-mixed-elections-bill-429/>

Krasnov Mikhail. *The Legal System of the Russian Federation* // Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries. Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. P. 22-24 (political parties).

Fedotov, Mikhail. The Mass Media in Election Campaigns: Rules and Practice. [http://www.democracy.ru/english/library/comments/eng\\_2000-8/page2.html](http://www.democracy.ru/english/library/comments/eng_2000-8/page2.html)

*The Constitutional Court of the Russian Federation. Judgment of 15 December 2004 No. 18-II* in the case concerning the review of the constitutionality the provision of Subsection 3, Article 9 of the Federal Law “On Political Parties”, upon a request of the Koptevsky District Court of Moscow and in connection with complaints of the Russian Social and Political Organization The Orthodox Party of Russia and the citizens I. V. Artyomov and D. A. Savin. ([Text](#))

*Decision of the Constitutional Court of the Russian Federation* in the case of verifying the constitutionality of some provisions of Federal Law of June 21. 1995 «On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation» <http://www.democracy.ru/english/library/laws/>

*The Constitutional Court of the RF. Judgment of 15th April, 2014 No. 11-II/2014* on the case concerning the review of constitutionality of Item 1 of Article 65 of the Federal Law “On Fundamental Guarantees of Electoral Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation” in connection with the request of the Legislative Assembly of Vladimir Region. ([Resume](#))

*The Constitutional Court of the RF. Judgment of 30 October 2003 No. 15-II* in the case concerning the review of constitutionality of certain provisions of the Federal Law “On Fundamental Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum” in connection with a request of a group of deputies of the State Duma of the Russian Federation and complaints of S. A. Buntman, K. A. Katanyan, and K. S. Rozhkov. ([Text](#))

*The Constitutional Court of the RF. Judgment of 22 April 2013 No. 8-II/2013* in the case concerning the review of constitutionality of Art. Art. 3, 4, 134 part 1 point 1, 220, 259 part 1, 333 part 2 of the Code of Civil Procedure of the Russian Federation and certain provisions of the Federal Law “On Fundamental Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum”, Federal Law “On elections of the deputies to the State Duma of the Federal Assembly of the Russian Federation” in connection with complaint of the citizens Andronov, Andronova, Belov et al. “ (summary) <http://www.ksrf.ru/en/Decision/Judgments/Documents/Resume22042013.pdf>

#### **Further reading:**

Tatyana S. Ivaschenko. *English-Russian Terminology Vocabulary On Issues of Elections and Election Law*. MBS Intellect Services. 2002. <http://www.mbstranslations.ru/Glossaries/Extr.pdf>

European Platform for Democratic Elections. <http://www.epde.org/en/association-golos-russia.html>

Movement for Defence of Voters' Rights *Golos*. <http://www.golosinfo.org/en>

Golos' Report No.6 on the Final Stage of Agitation, Local Election in Russia, 13.09.2015

<http://www.golosinfo.org/en/articles/42621>

Analytical Report. Campaign Finance of the Elections of Russian Federal Subjects Heads. GOLOS. 2015 //

<http://www.golosinfo.org/en/articles/37201>

The Media and Elections: A Handbook and Comparative Study. Ed. by Bernd-Peter Lange, David Ward. Chapter 6, by Skillen, Daphne. Russia. Pp. 123-142.

Useful materials in English on history of election laws in Russia in 1993-2003 are available at:

<http://www.democracy.ru/english/library/laws/>

### **Lecture 6. Judicial system. The Constitutional Court**

Judicial power in the system of the separation of powers. The constitutional grounds for judicial power. Structure of courts in 1993 and subsequent changes. Liquidation of the High Court of Arbitration (Arbitrazh Court) and re-appointment procedure for judges. The Constitutional Court. Independence of judges: institutional guarantees and contextual difficulties. The 1991 Concept of judicial reform and “bringing justice to perfection”: strengthening the independence of judges, improving the transparency and accessibility of courts, raising public trust in the judicial system and safeguarding the enforcement of judicial decisions. Introduction of justices of the peace and jury trials. Transparency of courts and publication of judicial decisions. Selection and appointment of judges, professional ethics and responsibility, dismissal from office. Transformation of judicial power on legislative and institutional levels. Judicial review and effectiveness of remedies. “Selective justice” or judicial discretion? Problem with enforcement of judicial decisions. Juvenile justice and administrative justice: professional and public discourse on possibility of their integration into existing judicial system.

#### **Mandatory reading:**

Overview of the judicial system of the Russian Federation. Official web-site of the Supreme Court of the RF.

<http://www.supcourt.ru/catalog.php?c1=English&c2=The%20Judicial%20System%20of%20the%20Russian%20Federation>

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 3 pp. 61-175.

#### **Further reading:**

Krasnov Mikhail. *The Legal System of the Russian Federation // Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries*. Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. P. 47-54 (please, make a note of changes in the judicial system since 2012).

Jon Hellevig. The Russian Judiciary (Chapter 3). Update of 30.03.2015. // Jon Hellevig, Anton Kabakov and Artem Usov. *Awara Russian Tax Guide*. <http://www.awarablogs.com/the-russian-judiciary/>

Irina Reshetnikova. [Judicial Reforms in Russia: 1864 to 2014](#). *Russian Law Journal*. Vol. 3 no. 2, 2015, p. 109-118.

Soboleva A. K. [Zorkin v. Morschakova: Legal Dispute in Rhetorical Terms](#), in: *Transparency, Power and Control: Perspectives on Legal Communication* / Отв. ред.: V. K. Bhatia, C. A. Hafner, L. Miller, A. Wagner. Farnham, Burlington : Ashgate, 2012. Ch. 5. P. 68-84.

Anita Soboleva. [Use and Misuse of Language in Judicial Decision-Making: Russian Experience](#) // *International Journal for the Semiotics of Law*. 2013. Vol. 26. No. 3. P. 673-692.

International Commission of jurists. *The state of judiciary in Russia*. Report of the ICJ Research Mission on judicial reform to the Russian Federation on 20-24 June 2010. <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2012/05/Russia-indepjudiciary-report-2010.pdf>

Jane Henderson. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing. Oxford and Oregon, 2011. P. 206-214.

Vladimir Novikov. *Five myths about Russian judicial reform*. RAPSI (Russian Legal Information Agency). 26.11.2013. [http://www.rapsinews.com/legislation\\_publication/20131126/269861221.html](http://www.rapsinews.com/legislation_publication/20131126/269861221.html)

Carla L. Thorson. *Politics, Judicial Review and the Russian Constitutional Court*. Palgrave Macmillan. 2012. Pp. 33-51.

Trochev, Alexei. *Judging Russia: Constitutional Court in Russian Politics, 1990-2006*. Cambridge University Press. 2008.

Fadeev V.I. *Constitution of the Russian Federation: problems of development and stability* // *Lex Russica*. No. 12 (Vol. XCVII), December 2014. Pp. 1521-1531.

#### **Normative acts:**

*Law on the Status of Judges in the Russian Federation*. Law of 26<sup>th</sup> June, 1992, No. 3132-1. <http://www.supcourt.ru/catalog.php?c1=English&c2=The%20Judicial%20System%20of%20the%20Russian%20Federation&c3=&id=9624>

*Code of Judicial Ethics*. Adopted by the 8<sup>th</sup> All-Russia Congress of Judges on December 19<sup>th</sup>, 2012. <http://www.supcourt.ru/catalog.php?c1=English&c2=The%20Judicial%20System%20of%20the%20Russian%20Federation&c3=&id=9625>

*Federal Law "ON COMPENSATION FOR INFRINGEMENT OF THE RIGHT TO THE JUDICIAL PROCEEDINGS CONDUCT WITHIN REASONABLE TIME OR RIGHT TO THE JUDICIAL ACT ENFORCEMENT WITHIN REASONABLE TIME" (FL NO. 68 OF APRIL 30, 2010)* | 

#### **Seminar 4. Constitutional rights and freedoms. Citizen's rights. Judicial rights.**

1. Sources of law on individual rights. International and domestic mechanism of protection of human rights. State institutes of human rights protection.
2. Legitimate restrictions of rights.
3. Freedom of assembly, association and speech.
4. Civil society in Russia: structure, legal regulation, role in litigation for human rights. New developments in laws on NGOs. "Foreign agents" law and "undesirable organizations" law.
5. Freedom of movement.
6. The right to judicial protection and equal treatment.
7. Freedom of the press.

#### **Mandatory case-law:**

*The Constitutional Court of the RF. Judgment of 8th April, 2014 No.10-II/2014* on the case concerning the review of constitutionality of the provisions of Item 6 of Article 2 and Item 7 of Article 32 of the Federal Law “On Non-Commercial Organizations”, Section 6 of Article 29 of the Federal Law “On Public Associations” and Section 1 of Article 19.34 of the Administrative Offences Code of the Russian Federation in connection with complaints of the Commissioner for Human Rights in the Russian Federation, the foundation “Kostroma Centre for the Support of Public Initiatives”, citizens L.G.Kuz'mina, S.M.Smirensky and V.P.Yukechev. <http://www.ksrf.ru/en/Decision/Judgments/Documents/2014%20April%208%2010-P.pdf>

*The Constitutional Court of the RF. Judgment of 13 December 2001 No. 16-II* in the case concerning the review of the constitutionality of Article 16 of the Law of Moscow “On the Basics of Paid Use of Land in the City of Moscow” in connection with a complaint of T. V. Blizinskaya. ([Text](#))

*The Constitutional Court of the RF. Judgment of 14 February 2013 No. 4-II* in the case concerning the review of constitutionality of the Federal Law “On Amendments to the Administrative Offences Code of the Russian Federation and the Federal Law “On Assemblies, Meetings, Demonstrations, Processions and Picketings” in connection with the request of a group of deputies of the State Duma and the complaint of E.V.Savenko. ([Resume](#)) ([Text](#))

*Constitutional Court of the RF. Judgment of 17th February, 2015 No. 2-II/2015* on the case concerning the review of constitutionality of the provisions of Item 1 of Article 6, Item 2 of Article 21 and Item 1 of Article 22 of the Federal Law “On Prosecutor’s Office of the Russian Federation” in connection with complaints of the Interregional Association of Human Rights Protective Public Associations “AGORA”, Interregional Public Organization “Human Rights Protective Centre “Memorial”, International Public Organization “International Historical-Enlightening, Charitable and Human Rights Protective Society “Memorial”, Regional Public Charitable Organization to Help Refugees and Forced Migrants “Civic Assistance”, Autonomous Non-Commercial Organization for Legal, Information and Expert Services “Zabaikal’sky Human Rights Protective Centre”, Regional Public Foundation “International Standard” in Republic of Bashkortostan and S.A.Gannushkina. <http://www.ksrf.ru/en/Decision/Judgments/Pages/2015.aspx>

*The Constitutional Court of the RF. Judgment of 13th May, 2014 No. 14-II/2014* on the case concerning the review of constitutionality of Section 1 of Article 7 of the Federal Law “On Assemblies, Meetings, demonstrations, Processions and Picketings” in connection with the complaint of A.N.Yakimov. ([Resume](#))

*The Constitutional Court of the RF. Judgment of 14 February 2013 No. 4-II* in the case concerning the review of constitutionality of the Federal Law “On Amendments to the Administrative Offences Code of the Russian Federation and the Federal Law “On Assemblies, Meetings, Demonstrations, Processions and Picketings” in connection with the request of a group of deputies of the State Duma and the complaint of E.V.Savenko. ([Resume](#)) ([Text](#)) <http://www.ksrf.ru/en/Decision/Judgments/Documents/2013%20February%2014%204-P.pdf>

ECtHR. Moscow Branch of the Salvation Army v. Russia. App. No 72881/01. Judgment of 5 October 2006. [http://hudoc.echr.coe.int/eng?i=001-77249#{"itemid":\["001-77249"\]}](http://hudoc.echr.coe.int/eng?i=001-77249#{)

ECtHR. Kasparov and others v. Russia. App. No 21613/07. Judgment of 03 October 2013. [http://hudoc.echr.coe.int/eng?i=001-126541#{"itemid":\["001-126541"\]}](http://hudoc.echr.coe.int/eng?i=001-126541#{)

ECtHR. Republican Party of Russia v. Russia. App. No 12976/07. Judgment of 12 April 2011. [http://hudoc.echr.coe.int/eng?i=001-104495#{"itemid":\["001-104495"\]}](http://hudoc.echr.coe.int/eng?i=001-104495#{)

#### **Further reading:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 6, pp. 323-387.

Soboleva Anita. State institutes of human rights protection (Report for the next round of consultations on Human Rights: how effective) // Russia and the EU: Uneasy Relations. A Look from Belgium. Academic Papers of the 9th International Session of the HSE Russian — European Center for Multidisciplinary

Research, Brugge, 2–9 August, 2009. Vytautas Magnus University Press, Kaunas, Lithuania, 2010.  
<http://www.hse.ru/data/2010/07/07/1218618350/Baltic%20Practice%202009%20book.pdf>

Soboleva A. K. [Hate Speech Litigation in Russia](#), in: *Arguments that work: Strategies, Contexts and Limits in Constitutional Law* / Отв. ред.: R. Uitz. Issue 7. Amsterdam : Eleven International Publishing, 2013. P. 99-119.

Andrei Richter. *One Step Beyond Hate Speech: Post-Soviet Regulation of “Extremist” and “Terrorist” Speech in the Media* // *The Content and Context of Hate Speech: Rethinking Regulation and Responses*. Ed. by Michael Herz and Peter Molnar. Cambridge University Press. 2012. Pp. 290-306.

SOVA Centre for information and analysis <http://www.sova-center.ru/en/>

ECtHR. *Karman v. Russia*. App. No 29372/02. Judgment of 14 March 2007.

[http://hudoc.echr.coe.int/eng?i=001-115657#{"itemid":\["001-115657"\]}](http://hudoc.echr.coe.int/eng?i=001-115657#{)

## **Seminar 5. Constitutional rights (continued).**

1. The right to life. Death penalty issue.
2. Privacy.
3. Freedom of religion and conscience.
4. Economic rights. Property rights. Freedom of contract. The right to strike.
5. Social rights.
6. Protection of human rights in the Constitutional Court of Russia.
7. Between the European Court of Human Rights and the Constitutional Court: “limits of flexibility”?
8. Judgments of the ECtHR against Russia and their enforcement. Systematic problems in human rights area revealed by ECtHR.

### **Mandatory reading:**

*The Constitutional Court of the RF. Judgment of 05 December 2012 No. 30-II/2012* in the case concerning the review of constitutionality of the provisions of Item 5 of Article 16 of the Federal Law “On the Freedom of Conscience and on Religious Associations” and Item 5 of Article 19 of the Law of the Republic of Tatarstan “On the Freedom of Conscience and on Religious Associations” in connection with the complaint of the Commissioner for Human Rights in the Russian Federation.

<http://www.ksrf.ru/en/Decision/Judgments/Documents/Resume05122012.pdf>

ECtHR. *Case of Konstantin Markin v. Russia*. App. [30078/06](#), Judgment of 22 March 2012.

[http://hudoc.echr.coe.int/eng#{"appno":\["30078/06"\]}](http://hudoc.echr.coe.int/eng#{)

ECtHR. *Case of Shimovolos v. Russia*. Application no. [30194/09](#), Judgment of 21 June 2011.

[http://hudoc.echr.coe.int/eng?i=001-105217#{"itemid":\["001-105217"\]}](http://hudoc.echr.coe.int/eng?i=001-105217#{)

*The Constitutional Court of the RF. Judgment of 19 June 2002 No. 11-II* in the case concerning the review of the constitutionality of certain provisions of the Law of the Russian Federation of 18 June 1992 “On Social Security of Citizens Affected by Radiation in the Chernobyl Nuclear Power Plant Disaster” (as amended on 24 November 1995 and 12 February 2001), the Federal Laws of 12 February 2001 “On Amendments to the Law of the Russian Federation ‘On Social Security of Citizens Affected by Radiation in the Chernobyl Nuclear Power Plant Disaster’”, of 19 June 2000 “On the Minimum Wage” and of 7 August 2000 “On a Procedure to Determine the Amounts of Scholarships and Social Payments in the Russian Federation” upon requests of the Supreme Court of the Russian Federation and the Oktyabrsky District Court of Krasnodar and in connection with complaints of individuals and public associations of Chernobyl survivors. ([Text](#))

### **Optional:**

Soboleva, Anita. *Litigating for socio-economic rights on national and international level: problems of standing and legal strategies. //Re-thinking Socio-Economic Rights in an Insecure World*. Ed. by Nsongurua

Udombana and Violeta Besirevic. With an Introduction by Wiktor Osiatynski. CEU Center for Human Rights. Central European University Press, 2006. - Pp. 103-116.  
<http://www.hse.ru/pubs/lib/data/access/ram/ticket/68/1443524769248330a3c839fa9bdc27ad7f45bd78a3/PROBLEMS%20OF%20STANDING%20AND%20LEGAL%20STRATEGIES.pdf>

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 6, pp. 389-391.

Jane Henderson. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing. Oxford and Oregon, 2011. P. 228-246.

Paul Johnson. Homosexual Propaganda' Laws in the Russian Federation: Are They in Violation of the European Convention on Human Rights? // *Russian Law Journal*, vol. 3, no 2, 2015.  
<http://www.russianlawjournal.org/index.php/jour/article/view/82>

#### **Normative acts:**

#### **[RULING OF THE PLENARY SESSION OF THE SUPREME COURT OF THE RUSSIAN FEDERATION NO. 21](#)**

On Application of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and Protocols thereto by the Courts of General Jurisdiction

#### **[RULING OF THE PLENARY SESSION OF THE SUPREME COURT OF THE RUSSIAN FEDERATION NO. 5](#)**

On the Application of Universally Recognized Principles and Norms of International Law and of International Treaties of the Russian Federation by Courts of General Jurisdiction

#### **[ON COOPERATION OF THE RUSSIAN FEDERATION WITH THE EUROPEAN COURT OF HUMAN RIGHTS IN THE FIELD OF JURISDICTION](#)**

#### **Optional:**

Grigory Vaypan. [Acquiescence Affirmed, Its Limits Left undefined: The Markin Judgment and the Pragmatism of the Russian Constitutional Court vis-à-vis the European Court of Human Rights](#) // *Russian Law Journal*. Vol. 2, no 3, 2014.

Council of Europe, Commissioner for Human Rights, Opinion: "Legislation and Practice in the Russian Federation on Non-Commercial Organisations in the Light of Council of Europe Standards, An Update" (July 9, 2015).

ECtHR. Case of Alekseyev v. Russia. Appl. Nos. 4916/07, 25924/08 and 14599/09. Judgment of 21 October 2010.

### **Lecture 9. Russian Civil law (other than copy-rights law, intellectual property and inheritance). Property rights.**

Civil Code of the Russian Federation: general overview. Civil legislation and other acts containing norms of civil law. Relations regulated by civil legislation. Means of protection of civil law rights. Declaration of an act of a state agency or of an agency of self-government as invalid. Self-protection of civil rights. Natural persons (citizens). Incapacitation. Legal persons and their types. Legal capacity of a legal person. Ownership. Obligations: definitions, performance of obligations and means to secure performance. Contracts: definition and terms, conclusion of a contract, change and rescission of a contract. Transactions and representation. Compensation for damages. The rights of bona fide buyer. Torts (obligations as a result of the causing of harm). Liability for causing of

harm.

**Mandatory reading:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 7, pp. 399-435.

**Seminar 6. Civil law. Transactions. Contracts.**

1. The concept of property and property rights. Movable and immovable property.
2. Land ownership.
3. Transactions.
4. Contracts.
5. Liability for causing harm.

**Case-law:**

ECtHR. Gladysheva v. Russia. App. no [7097/10](http://hudoc.echr.coe.int/fre?i=001-107713#{). Judgment of 6 December 2011. [http://hudoc.echr.coe.int/fre?i=001-107713#{"itemid":\["001-107713"\]}](http://hudoc.echr.coe.int/fre?i=001-107713#{)

ECtHR. Case of Shtukurov v. Russia. Application no. [44009/05](http://hudoc.echr.coe.int/fre?i=001-107713#{) Judgment of 27 March 2008. (rights of mentally disabled and legal incapacitation).

**Mandatory reading:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 7, pp. 435-450, 456-484, 491-499.

**Further readings:**

Krasnov Mikhail. *The Legal System of the Russian Federation // Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries.* Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. P. 57-62, 65-75.

Valery Musin. [Offer and Acceptance under the Russian Civil Code](#). Russian Law Journal. Vol. 1, no 1, 2013, p. 80-90.

Maria Efremova, Svetlana Yakovleva and Jane Henderson. *Russian Contract Law for Foreigners*. Hart Publishing, 2014.

*The Constitutional Court of the Russian Federation. Judgment of 24 February 2004 No. 3-II in the case concerning the review of the constitutionality of the provisions of Articles 74 and 77 of the Federal Law “On Joint Stock Companies”, regulating the procedure of consolidation of issued shares of joint stock company and redemption of fractional shares in connection with complaints of individuals, the company CADET Establishment, and upon a request of the Oktyabrsky District Court of Penza. ([Text](#))*

**Seminar 7. Civil and Arbitrazh procedure.**

1. Civil procedure. Adversarial principle of Russian civil procedure versus Soviet procedural law. The role of judges and parties under Codes of civil procedure of 1995 and 2002. The role of the *prokuror* (attorney for the state) in civil procedure.
2. Parties. Forms of action.
3. Pre-trial stage: preparation of the case, preliminary relief.
4. The trial stage: general characteristics. Burden of proof. Expertise in civil cases.

5. Appellate review: scope of review on appeal, cassation and supervision. Judicial review by means of supervision: possibility of re-examining the judgments which have entered into force. Is supervisory review an effective remedy?
6. Arbitrazh procedure. The changing business of Arbitrazh courts. Trial. Appellate review.

**Mandatory reading:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 8, pp. 505-560.

Dmitry Mareshin. The Russian style of civil procedure. // *Emory International Law Review*. Vol. 21, No. 2, Fall 2007, pp. 543-562. (Pay attention that the system of appeal and cassation has been changed and the *arbitrazh* courts have merged with the courts of general jurisdiction).

[www.google.ru/url?sa=t&rct=j&q=&esrc=s&source=web&cd=7&ved=0CD8QFjAGahUKEwirqNGj36vIAhUinnKHdfEC6M&url=https%3A%2F%2Fwww.law.msu.ru%2Ffile%2F7352%2Fdownload%2F7352&usg=AFQjCNGwBpmzEmPY8OcMZK\\_tFjsvAgfbwA&sig2=SsID6ZtvgnBXi-5VMFfDg&bvm=bv.104317490,d.bGQ&cad=rjt](http://www.google.ru/url?sa=t&rct=j&q=&esrc=s&source=web&cd=7&ved=0CD8QFjAGahUKEwirqNGj36vIAhUinnKHdfEC6M&url=https%3A%2F%2Fwww.law.msu.ru%2Ffile%2F7352%2Fdownload%2F7352&usg=AFQjCNGwBpmzEmPY8OcMZK_tFjsvAgfbwA&sig2=SsID6ZtvgnBXi-5VMFfDg&bvm=bv.104317490,d.bGQ&cad=rjt)

Dmitry Mareshin. Russian Civil Procedure: an exceptional mix.

[http://www.civilprocedurereview.com/busca/baixa\\_arquivo.php?id=8](http://www.civilprocedurereview.com/busca/baixa_arquivo.php?id=8)

**Further reading:**

Irina Reshetnikova. *150 years of adversarial civil proceedings in Russia* // *Russian Law Journal*. Volume 1 (2013), Issue 1, pp. 39-45. [www.russianlawjournal.org/index.php/jour/article/download/58/54](http://www.russianlawjournal.org/index.php/jour/article/download/58/54)

Ruth A. van der Pol, Anton Petrov. Searching for Truth in Civil Process: The Netherlands and Russia. *Vol 3, No 1 (2015)* <http://www.russianlawjournal.org/index.php/jour/article/view/71>

*The Constitutional Court of the Russian Federation. Judgment of 26 February 2010 No. 4-II* in the case concerning the review of the constitutionality of Section 2, Article 392 of the Civil Procedure Code of the Russian Federation in connection with complaints of A. A. Doroshok, A. Ye. Kot, and Ye. Yu. Fedotova. ([Text](#))

*The Constitutional Court of the Russian Federation. Judgment of 27 January 2004 No. 1-II* in the case concerning the review of constitutionality of certain provisions of Paragraph 2 of Section 1 of Article 27, Sections 1, 2 and 4 of Article 251, Sections 2 and 3 of Article 253 of the Civil Procedure Code of the Russian Federation on connection with the request of the Government of the Russian Federation. (available in Russian only)

*The Constitutional Court of the Russian Federation. Judgment of 20 February 2006 No. 1-II* in the case concerning the review of the constitutionality of the provision of Article 336 of the Civil Procedure Code of the Russian Federation, in connection with complaints of K. A. Ineshin, N. S. Nikonov and the Nizhnekamskneftekhim OJSC. ([Text](#))

*The Constitutional Court of the Russian Federation. Judgment of 25 June 2013 No. 14-II* in the case concerning the review of constitutionality of the provisions of Section 1 of Article 1, Item 1 of Section 1, Sections 6 and 7 of Article 3 of the Federal Law “On Compensation for Violation of the Right to Judicial Proceedings within Reasonable Time or the Right to Execution of Court Act within Reasonable Time”, Sections 1 and 4 of Article 2441 and Item 1 of Section 1 of Article 2446 of the Civil Procedure Code of the Russian Federation in connection with the complaint of A.Ye.Popova. ([Resume](#))

**Normative acts:**

**The Civil Procedural Code of the Russian Federation.** NO. 138-FZ OF NOVEMBER 14, 2002.

[http://www.arbitratus.ru/english/rf\\_codes/civil\\_p.shtml](http://www.arbitratus.ru/english/rf_codes/civil_p.shtml) (for information only! Amendments are not included in this version)

## **Lecture 8. Criminal law**

Russian Criminal Code of 1996 and amendments: general overview. Main tendencies in the evolution of criminal law since 1996. Criminalization and decriminalization of acts. Problems in application and classification of crimes. Between the offenses and crimes: administrative sanctions versus criminal sanctions. Abuse of criminal law by the law enforcement and the parties to civil disputes. Disputes about the necessity of the reform of the Criminal Code.

### **Mandatory reading:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 12, pp. 765-831.

### **Further reading:**

Krasnov Mikhail. *The Legal System of the Russian Federation // Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries.* Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. P. 72.

## **Seminar 8. Criminal procedure. Investigation. Jury trials.**

1. Criminal procedure: basic overview. Code of Criminal Procedure. Investigative (or inquisitorial) tradition. The Criminal Investigation. Fair Trial. Adversary system. Presumption of innocence.
2. Evidence. Witnesses. Searches and seizures. Operative-investigators.
3. Rights of the suspects and accused during preliminary investigation.
4. Trial procedure. Special trial procedures: “guilty pleas” and jury trials.
5. Jury trials.
6. Review of the trial court judgments.

### **Mandatory reading:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 11, pp. 606-763.

Pashin S. The History and Challenges of Reintroducing Trial by Jury in Russia // Kutafin University. Law Review. Volume 1. – 2014. - № 1. – C. 41 –54.

### **Further reading:**

Gennady Esakov. The Russian Criminal Jury: Recent Developments, Practice, and Current Problems // The American Journal of Comparative Law. Vol. 60. 2012. Pp. 665-702. //LMS

*The Constitutional Court of the Russian Federation . Judgment of 6 April 2006 No. 3-II* in the case concerning the review of the constitutionality of certain provisions of the Federal Constitutional Law “On Military Courts in the Russian Federation”, Federal Laws “On Jurors in Federal Courts of General Jurisdiction in the Russian Federation”, “On the Entry into Force of the Criminal Procedure Code of the Russian Federation” and of the Criminal Procedure Code of the Russian Federation upon a request of the President of the Chechen Republic, and in connection with a complaint of K. G. Tuburova and a request of the North Caucasus Circuit Military Court. ([Text](#))

*The Constitutional Court of the Russian Federation. Judgment of 8 December 2003 No. 18-II* in the case concerning the review of the constitutionality of the provisions of Articles 125, 219, 227, 229, 236, 237, 239, 246, 254, 271, 378, 405 and 408 and Chapters 35 and 39 of the Criminal Procedure Code of the Russian Federation in connection with requests of courts of general jurisdiction and citizens' complaints. ([Text](#))

*The Constitutional Court of the Russian Federation Judgment of 20 April 2006 No. 4-II* in the case concerning the review of the constitutionality of the provision of Section 2, Article 10 of the Criminal Code of the Russian Federation, Section 2, Article 3 of the Federal Law "On the Entry into Force of the Criminal Code of the Russian Federation", the Federal Law "On Amendments to the Criminal Code of the Russian Federation" and a number of provisions of the Criminal Procedural Code of the Russian Federation concerning the procedure for adjusting judicial decisions in line with the new criminal law abolishing or mitigating criminal liability, in connection with complaints of A. K. Ayzhanov, Yu. N. Aleksandrov, and others. ([Text](#))

*Criminal Code of the Russian Federation* <http://visalink-russia.com/criminal-code-russian-federation.html> (1996 version with amendments up to 2004; pay attention that many amendments have been made to this version)

*Code of Criminal Procedure of the Russian Federation (Criminal-Procedural Code)* No 174-FZ of 18,2001 (with amendments up to June 1, 2005). <http://www.wipo.int/edocs/lexdocs/laws/en/ru/ru065en.pdf> (For information purpose only, does not contain later amendments!)

#### **Case- law:**

ECtHR. Reznik v. Russia. App. No 4977/05. Judgment of 4 April 2013. [http://hudoc.echr.coe.int/eng?i=001-118040#{"itemid":\["001-118040"\]}](http://hudoc.echr.coe.int/eng?i=001-118040#{)

ECtHR. Pushchelenko and Others v. Russia. Apps. No. 45392/11, 47671/11, 62205/11, 45312/13 and 53366/13. Judgment of 12 March 2015. (prolongation of pre-trial detention) [http://hudoc.echr.coe.int/eng?i=001-152728#{"itemid":\["001-152728"\]}](http://hudoc.echr.coe.int/eng?i=001-152728#{)

ECtHR. Khoroshenko v. Russia. App. No. 41418/04. Judgment of 30 June 2015. (restriction of family contacts for convicted and imprisoned persons) [http://hudoc.echr.coe.int/eng?i=001-156006#{"itemid":\["001-156006"\]}](http://hudoc.echr.coe.int/eng?i=001-156006#{)

ECtHR. Zelenin v. Russia. App. No 21120/07. Judgment of 15 January 2015. (law enforcement violence, possible planting the drugs on the suspect and provocation) [http://hudoc.echr.coe.int/eng?i=001-150316#{"itemid":\["001-150316"\]}](http://hudoc.echr.coe.int/eng?i=001-150316#{)

### **Lecture 9. Russian Administrative Law. Code of Administrative Offenses. Code of Administrative Procedure.**

What we understand under administrative law in Russia vis-à-vis other countries. Administrative law and effective administration. Principles of the Russian administrative law. Administrative control and controlling bodies. Judicial review over the acts of administrative bodies. Code of administrative offenses. Administrative procedure. Code of Administrative Procedure (KAC) and first steps in its application (2015).

#### **Mandatory reading:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 13, pp. 843-860.

ECtHR. Case of Karelin v. Russia. App. No 926/08, Judgment of 20 September 2016.

**Further reading:**

*The Constitutional Court of the Russian Federation . Judgment of 22nd April, 2014 No. 13-II/2014* on the case concerning the review of constitutionality of Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation in connection with the request of a group of deputies of the State Duma of the Federal Assembly of the Russian Federation. ([Resume](#)) ([Text](#))

ECtHR. Maksim Aleksandrovich BUTKEVICH against Russia. App. No 5865/07 lodged on 17 January 2007, communicated 7 September 2015 [http://hudoc.echr.coe.int/eng?i=001-157726#{"itemid":\["001-157726"\]}](http://hudoc.echr.coe.int/eng?i=001-157726#{) (administrative detention, administrative conveying, administrative arrest)

**Seminar 15. Legal Profession. Migration Law. Tax system (a choice of topic depends on the student's teams).**

**Team 1.** Legal status of foreign citizens in Russia. Migration rules and procedures. Extradition.

**Home assignment:** to find sources, select legislation and case-law with legal databases and Internet resources. To prepare 15 min. power-point presentation for each team.

**Mandatory sources:**

Krasnov Mikhail. *The Legal System of the Russian Federation // Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries.* Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. P. 46 (powers of Federal Migration Service).

*The Constitutional Court Judgment of 12th March, 2015 No. 4-II/2015* on constitutionality of the provisions of Section 4 of Article 2510 of the Federal Law “On Procedure for Exit from the Russian Federation and Entry into the Russian Federation”, Sub-Item 13 of Item 1 of Article 7 of the Federal Law “On Legal Status of Foreign Citizens in the Russian Federation” and Item 2 of Article 11 of the Federal Law “On Prevention of Spreading in the Russian Federation of the Disease Caused by Human Immunodeficiency Virus (HIV-infection) (Brief)  
<http://www.ksrf.ru/en/Decision/Judgments/Documents/Resume12032015.pdf>

ECtHR. Fozil Nazarov v. Russia. App. No 74759/13. Judgment 11 December 2014.  
[http://hudoc.echr.coe.int/eng?i=001-148638#{"itemid":\["001-148638"\]}](http://hudoc.echr.coe.int/eng?i=001-148638#{) (administrative removal of a foreign national)

ECtHR. Kasymakhunov v. Russia. App. No 29604/12, Judgment of 14 November 2013.  
[http://hudoc.echr.coe.int/eng?i=001-128055#{"itemid":\["001-128055"\]}](http://hudoc.echr.coe.int/eng?i=001-128055#{) (refugee status, detention, extradition)

ECtHR. Rakhimov v. Russia, App. No 50552/13. Judgment of 10 July 2014.  
[https://www.google.ru/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CBsQFjAAahUKEwiKtpTXsLDIAhWKjSwKHTTAAKQ&url=http%3A%2F%2Fhudoc.echr.coe.int%2Fapp%2Fconversion%2Fpdf%2F%3Flibrary%3DECHR%26id%3D001-145366%26filename%3D001-145366.pdf&usq=AFQjCNHjPX6Qg\\_hr2H3YzdhAtn3vRVydBg&sig2=to1PwLrkY2\\_v8iAU7Ygc3Q&bvm=bv.104615367,d.bGg](https://www.google.ru/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CBsQFjAAahUKEwiKtpTXsLDIAhWKjSwKHTTAAKQ&url=http%3A%2F%2Fhudoc.echr.coe.int%2Fapp%2Fconversion%2Fpdf%2F%3Flibrary%3DECHR%26id%3D001-145366%26filename%3D001-145366.pdf&usq=AFQjCNHjPX6Qg_hr2H3YzdhAtn3vRVydBg&sig2=to1PwLrkY2_v8iAU7Ygc3Q&bvm=bv.104615367,d.bGg)

**Team 2.** Lawyers and legal profession in Russia.

Legal education. Lawyers in private practice. Admittance to the bar (*advokatura*). Bar exam. Defense lawyers. Corporate lawyers. Professional ethics. Law “On *advokatura* and advocates’ activity”. Procurators. Investigators. Notaries. Judges.

**Home assignment:** to find sources, select legislation and case-law with legal databases and Internet resources. Prepare team presentations (15 min for each team).

**Mandatory source:**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015. Chapter 4, pp. 179-234.

**Team 3. Tax Law.**

General remarks about Russian tax law. Income tax for residents and non-residents. Judicial resolution of tax disputes.

**Mandatory reading:**

Maxim v. Yuzvak. Trends in the Supreme Court of Russia Case Practice of 2014 (Tax Disputes). // *Pravo. Zhurnal Vysshey shkoly ekonomiki*, no 2, pp. 136-147.

Jon Hellevig, Anton Kabakov and Artem Usov. *Awara Russian Tax Guide. Chapter 3: General about Russian tax law*. Update of 06.03.2015. <http://www.awarablogs.com/general-about-russian-tax-law/>

**Additional materials:**

Krasnov Mikhail. *The Legal System of the Russian Federation // Legal Systems in Transition. A Comparison of Seven Post-Soviet Countries*. Internationaler Verlag der Wissenschaften. Frankfurt am Mein. Peter Lang GmbH. 2012. P. 63-65. // LMS

*The Constitutional Court of the Russian Federation. Judgment of 31st March, 2015 No. 6-II/2015* on the case concerning the review of constitutionality of Item 1 of Section 4 of Article 2 of the Federal Constitutional Law “On the Supreme Court of the Russian Federation” and Paragraph 3 of Sub-Item 1 of Item 1 of Article 342 of the Tax Code of the Russian Federation in connection with the complaint of the Open Joint Stock Company “Gazprom Oil”  
<http://www.ksrf.ru/en/Decision/Judgments/Documents/2015%20March%2031%206-P.pdf>

*The Constitutional Court of the Russian Federation. Judgment of 1st July, 2015 No. 19-II/2015* on constitutionality of the provision of Sub-Item 4 of Item 1 of Article 162 of the Tax Code of the Russia (brief) [http://www.ksrf.ru/en/Decision/Judgments/Documents/Resume01072015\\_1.pdf](http://www.ksrf.ru/en/Decision/Judgments/Documents/Resume01072015_1.pdf)

*The Constitutional Court of the Russian Federation. Judgment of 30 January 2001 No. 2-II* in the case concerning the review of the constitutionality of the provisions of Subsection “e”, Section 1, and Section 3, Article 1 of the Law of the Russian Federation “On Fundamental Principles of the Taxation System in the Russian Federation” amended by the Federal Law “On Amendments to Article 20 of the Law ‘On Fundamental Principles of the Taxation System in the Russian Federation’”, and the provisions of the Law of the Chuvash Republic “On the Taxation System in the Chuvash Republic”, the Law of the Kirov Region “On the Sales Tax” and the Law of the Chelyabinsk Region “On the Taxation System in the Chelyabinsk Region” in connection with request of the Arbitration Court of the Chelyabinsk Region and complaints of Russian LLC and certain citizens.  
(Text) <http://www.ksrf.ru/en/Decision/Judgments/Documents/2001%20January%2030%202-P.pdf>

ECtHR. Khodorkovsky and Lebedev v. Russia. Apps. nos. 11082/06 and 13772/05, Judgment of 25 July 2013. Para 786-880. <http://hudoc.echr.coe.int/eng/?i=001-122697#%7B%22itemid%22%3A%22001-122697%22%7D>

Tax Code of Russia (translation presented for information purpose only). Federal Tax Service website. [http://www.nalog.ru/eng/tax\\_legislation/tax\\_code\\_of\\_russia/](http://www.nalog.ru/eng/tax_legislation/tax_code_of_russia/)

Doing business in Russia. ZAO Deloitte & Touche CIS. 2015  
<https://www2.deloitte.com/content/dam/Deloitte/ru/Documents/tax/doing-business-in-Russia-2015.pdf> (types of business presence, accounting environment, taxes for legal entities)

Income tax in Russia for residents and non-residents. <http://russia.angloinfo.com/money/income-tax/>

Corporate income tax subjects - 2013 EATLP Congress Russian National Report Presented by Prof. Dr. Danil V. Vinnitskiy <http://www.eatlp.org/uploads/public/2013/National%20report%20Russia.pdf>

## **Seminar 10. Freedom of speech and mass media. Legal regulation of Internet.**

1. The right to thought and speech. The right to information. The freedom of mass media. Prohibition of censorship. The right to privacy and protection of dignity and honor.
2. Protection of the honor, dignity and business reputation by civil law. Russian defamation law: Civil Code, art. 152. Criminal Code of the RF: prohibition of libel, insult and incitement to hatred. Sanctions for insult to religious feelings.
3. Legal regulation of Internet.

### **Mandatory reading:**

Dmitry Kuznetsov. [Freedoms Collide: Freedom of Expression and Freedom of Religion in Russia in Comparative Perspective](#). Russian Law Journal, Vol. 2, no 2, 2015, p. 75-100.

Vasilisa Strizh and Anastasia Dergacheva. Latest Developments in Media Legislation. //Medial Law International, 2015. <http://www.medialawinternational.com/page129.html>

Navigating the new Russian media law. Client alert. DLA Piper, 2015.  
[https://www.dlapiper.com/~media/Files/Insights/Publications/2015/02/Navigating\\_the\\_new\\_Russian\\_media\\_law.pdf](https://www.dlapiper.com/~media/Files/Insights/Publications/2015/02/Navigating_the_new_Russian_media_law.pdf)

FEDERAL LAW ON INTRODUCING AMENDMENTS TO THE LAW OF THE RUSSIAN FEDERATION "ON MASS MEDIA" / Passed by the State Duma 26 September 2014 Approved by the Council of Federation 1 October 2014  
<http://www.ctcmedia.ru/investors/20low/>

Fedotov. M.A. Russian Rights Envoy Wants Stricter Legal Protection For Journalists. // RIA Novosti, April 12, 2011. <http://russialist.org/archives/russia-journalist-dangers-fedotov-protection-748.php>

Andrei Richter *Russia's Modern Approach to Media Law* // 2011, European Audiovisual Observatory, Strasbourg (France). P. 1-22.  
[https://www.academia.edu/6526367/Russias\\_Modern\\_Approach\\_to\\_Media\\_Law](https://www.academia.edu/6526367/Russias_Modern_Approach_to_Media_Law)

*The Constitutional Court of the RF. Judgment of 9 July 2013 No. 18-II* in the case concerning the review of constitutionality of the provisions of Items 1, 5 and 6 of Article 152 of the Civil Code of the Russian Federation in connection with the complaint of Ye.V.Krylov. ([Resume](#))

ECtHR. Decision as to the admissibility of Application no. 35222/04 by Pavel Ivanov against Russia. The European Court of Human Rights (First Section), 20 February 2007. <http://eu.vlex.com/vid/pavel-ivanov-v-russia-27460556>

ECtHR. Romanenko et al. v. Russia., Judgment of 8 October, 2009.  
<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>

ECtHR, Duyldin and Kislov v. Russia, <http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>  
ECtHR. Grinberg v. Russia. Judgment of 21 July 2005.

<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>

ECtHR. Krasulya v. Russia, Judgment of 22 February 2007.

[https://www.google.ru/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CC8QFjADahUKEwjVlbPtpLDIAhVJECwKHa8nBE8&url=http%3A%2F%2Fhudoc.echr.coe.int%2Fapp%2Fconversion%2Fpdf%2F%3Flibrary%3DECHR%26id%3D001-79574%26filename%3D001-79574.pdf%26TID%3Dihgdqbxnfi&usg=AFQjCNFCNwHB7SbPLUGiuB5YIO7J9CrXIQ&sig2=y9k\\_cEWVLQa9I58AJXHfaA&bvm=bv.104615367.d.bGg](https://www.google.ru/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CC8QFjADahUKEwjVlbPtpLDIAhVJECwKHa8nBE8&url=http%3A%2F%2Fhudoc.echr.coe.int%2Fapp%2Fconversion%2Fpdf%2F%3Flibrary%3DECHR%26id%3D001-79574%26filename%3D001-79574.pdf%26TID%3Dihgdqbxnfi&usg=AFQjCNFCNwHB7SbPLUGiuB5YIO7J9CrXIQ&sig2=y9k_cEWVLQa9I58AJXHfaA&bvm=bv.104615367.d.bGg)

## **8. Educational technologies**

The course combines interactive lectures and seminars. Lectures are supported by power-point presentations, which are delivered to students. All classes, including lectures, require preparation by reading the assigned mandatory materials and active participation of the students in discussions and commentaries. Seminars are structured mostly around case law than legislation and are aimed at discussion of 'law in action' rather than 'law in books'. The program of the course is interactive, i.e. it contains links to materials, which were selected on the basis of their availability to students through open access web-resources. The program also inspires students to update their knowledge by use of legal journals and professional web-sites with reliable legal information.

## **9. Types of assignments and requirements**

### **9.1. Topics for the forms of current control**

Topics for seminar discussions are included in the program; topics for the team power-point presentations are included in the program of Seminar No. 18.

Topic for an essay should be approved by the teaching professor; the same topics for two or more students are not allowed. The paper should be 5-7 pages long, 1.5-spaced.

#### **Suggested topics for essays:**

1. Principles of justice, equality and proportionality in the decisions of the Russian Constitutional Court.
2. Law-based state as a constitutional characteristic of Russia and its realization in practice.
3. Principle of democracy in the Russian Constitution: role of historical and political factors, original intent of the drafters and development in the decisions of the Constitutional Court.
4. Separation of powers as a principle in the Russian Constitution and legislation.
5. Institute of presidency in the Russian Federation.
6. Role of Government in the Russian system of separation of powers.
7. Legislative process in Russia.
8. Legislative power in Russia in the system of separation of powers.
9. Competence of the State Duma under Constitution and its concretization in further legislation.
10. Judicial power in Russia: constitutional grounds and their development in legislation.
11. Constitutional principles of local self-government in Russia.
12. Introduction and evolution of jury trials in Russia since 1993.
13. Independence of judges: constitutional principle and obstacles for realization in practice.
14. Selection of judges and disciplinary responsibility of judges in the Russian Federation.
15. Constitutional Court of the Russian Federation: formation and procedure for handling the complaints.
16. Protection of the rights of local self-government in the Constitutional Court of the Russian Federation.
17. Protection of socio-economic rights in the Constitutional Court of the Russian Federation.
18. Protection of the individual rights in the Constitutional Court of the Russian Federation.
19. Protection of the rights of entrepreneurs in the Constitutional Court of the Russian Federation.
20. Political rights in the jurisprudence of the Russian Constitutional Court.
21. Between the Constitutional Court and the European Court of Human Rights: reconciliation of positions and main points of disagreement.

22. Constitutional principle of the secularity of state and its realization in practice.
23. Russia as a federal state and evolution of the status of its subjects.
24. New developments in the federal structure of the Russian Federation since 1993.
25. Division of powers between federation and its subjects in Russia.
26. The principle of market economy in the Constitution of the Russian Federation and problematic aspects of its realization.
27. Main characteristics of the Russian legal system in comparative perspective (compare with your own country or other countries).
28. Role of precedent in the Russian legal system: theoretical disputes and practice.
29. Resolutions (*postanovleniya*) of the Plenum of the Supreme Court and their role in the Russian system of sources of law.
30. Interpretation in judicial decision-making and its role in Russia and other legal systems (compare with your country).
31. Russian model of separation of powers: constitutional grounds and practical realization.
32. The Civil Code in the system of Russian law.
33. The arising of civil law rights and duties, the realization and defense of civil law rights under the Civil Code.
34. The sources of civil law in the Russian Federation.
35. Concept of property in Russian civil law and in legal system of your country.
36. Challenging unlawful actions of authority that have caused harm to property and personal nonproperty rights of citizens under the Civil Code of the Russian Federation.
37. Compensation for moral harm in the Russian legal system.
38. Internet freedoms and their legitimate restrictions in the Russian Federation.
39. Legal regulation of Internet in Russia.
40. Invalidity of transactions under Russian civil law.
41. Types of transactions under Russian civil law.
42. Legal status of NGOs in Russia.
43. Liability of a legal person in Russia.
44. Legal capacity of a person in Russia and grounds for incapacitation.
45. Judicial protection of civil law rights in Russia.
46. *Analogy of statute* and *analogy of law* as a means of deciding disputes in civil law cases.
47. The right to land and transactions with land parcels under the Civil Code and the Land Code of the Russian Federation.
48. Legal regulation of transactions with dwelling premises in the Civil Code and the housing legislation in Russia.
49. Two categories of personal nonproperty rights under the Civil Code of the Russian Federation.
50. Types of contracts under Russian Civil Code.
51. Special norms regulating entrepreneurial activity in the Civil Code of the Russian Federation.
52. Principle of free disposition by each person of the civil law rights belonging to him.
53. Objects of civil law rights.
54. General provisions on obligation in the Russian Civil Code: parties, performance, securing the performance and responsibility for violation of obligations.
55. General provisions on contract in the Russian Civil Code: terms of a contract, conclusion of a contract, change and dissolution of contracts.
56. Legal profession in Russia vis-à-vis a student's home country.
57. Legal education in Russia vis-à-vis a student's home country.
58. Admissibility of evidence in Russian rules of criminal procedure.
59. Status of migrants and refugees in Russia.
60. Secular state and regulation of wearing visual signs of belonging to religion in public space: Russian experience.
61. Defamation of public officials: Russian judicial practice in the context of international standards.

62. Defamation cases initiated against journalists and politicians by governors and mayors in Russia: domestic court practice and international context.
63. Code of Administrative Procedure: general overview and critical remarks.
64. Challenging the decisions of administrative bodies in court: judicial practice.
65. Differentiation between crimes and administrative offenses in Russian legal system.
66. General remarks about rules of civil procedure in Russia vis-à-vis your home country.
67. Defense of personal rights in criminal procedure in the decision of the Russian Constitutional Court.
68. Taxation of physical persons in Russia: general overview.
69. Taxation of legal persons in Russia: general overview.
70. Hate crimes in Russian criminal law.
71. Anti-discrimination legislation in Russia vis-a-vis other countries.
72. Legal status of NGOs in Russia.
73. Sanctions for insulting religions feelings and freedom of artistic expression in Russian legal system.

## **9.2. Sample of the exam questions:**

- I. Main characteristics of Russian law in a comparative perspective.
- II. Role of statutes in Russian legal system.
- III. Court structure.
- IV. The jurisdiction of the Constitutional Court.
- V. Legislative branch in Russia.
- VI. The Presidency in Russia.
- VII. Constitutional limitations of individual rights.

Questions for discussions:

- 1) Why Russian federalism is called “asymmetric”?
- 2) What civil law disputes the Constitutional Court had to review? Do you agree or disagree with its judgements on the cases you describe? Why?

## **9.3. Questions for self-control**

1. Russian legal system as a continental legal system.
2. Sources of Russian law and their hierarchy.
3. Structure of the Russian Federation.
4. Constitutional Court judgements on the powers of the federation and powers of the subjects of federation.
5. Federal districts under Presidential administration.
6. Powers of local self-government in the decisions of the Constitutional Court.
7. Russia as a rule of law state.
8. Legal regulation of elections to the State Duma.
9. Formation of the Federation Council.
10. Rights of voters.
11. Judicial system.
12. ‘Intrinsic’ and ‘extrinsic’ factors of the independence of judges.
13. Enforcement of judicial decision.
14. Appointment of judges and their removal from office.
15. Jury trials in Russia.
16. Role of judgments and ‘decisions with legal position’ of the Constitutional Court and their place in the hierarchy of sources of law.
17. Constitutional rights and liberties and their interpretation by the Constitutional Court.
18. Protection of human rights in the Constitutional Court of Russia and ECtHR.
19. Civil law of the Russian Federation: sources and basic principles.
20. Protection of property rights in Russia.
21. Compensation for moral harm in Russian legal system.
22. Types of transactions under Russian civil law.
23. Types of legal entities.
24. Legal status of NGOs.

25. Objects of civil law rights.
26. Torts in Russian law.
27. Criminal Law of the Russian Federation: sources and basic principles.
28. Criminal Procedure: guarantees from unlawful prosecution and punishment.
29. Administrative Law in Russia: sources and structure.
30. Administrative Procedure.
31. Tax law and disputes.
32. Regulation of hate crime and hate speech.
33. Mass media regulation.
34. Legal regulation of political advertising.
35. Legal regulation of Internet.
36. Protection from libel and defamation.

#### **9.4. Topics for course papers.**

1. 'Law-based state', 'law-governed state', 'rule of law': legal concepts and their definitions in legal theory.
2. Main characteristics of the Russian legal system in comparative perspective (compare with another country or countries).
3. Role of precedent in the Russian legal system: theoretical disputes and practice.
4. Resolutions (*postanovleniya*) of the Plenum of the Supreme Court and their role in the Russian system of sources of law.
5. Interpretation in judicial decision-making and its role in Russia and other legal systems (compare with another country).
6. Internet freedoms and their legitimate restrictions in the Russian Federation.
7. Legal status of NGOs in Russia.
8. Principles of formal equality and affirmative action in Russian jurisprudence.
9. Judicial protection of human rights in Russia.
10. Legal profession in Russia vis-à-vis another country.
11. Legal education in Russia vis-à-vis another country.
12. Legal status of migrants and refugees in Russia and law implementation practice.
13. Secular state and regulation of wearing visual signs of belonging to religion in public space: Russian experience.
14. Defamation of public officials: Russian judicial practice in the context of international standards.
15. Defamation cases initiated against journalists and politicians by governors and mayors in Russia: domestic court practice and international context.
16. Anti-discrimination legislation in Russia vis-a-vis other countries.
17. Legal status of NGOs in Russia.
18. Sanctions for insulting religions feelings and freedom of artistic expression in Russian legal system.
19. Censorship: definition, types and legal regulation in Russia and another country (or in historical perspective).

#### **10. Literature and sources:**

##### **10.1. Basic text**

Peter B. Maggs, Olga Schwartz, William Burnham, G.M.Danilenko. *Law and Legal System of the Russian Federation* - Sixth Edition. Huntington, New York : Juris Publishing, 2015.

##### **Optional textbooks:**

Jane Henderson. 2011. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing. Oxford and Oregon.

Maria Efremova, Svetlana Yakovleva and Jane Henderson. *Russian Contract Law for foreigners*. Hart Publishing, 2014.

An Introduction to Russian Business Law. By Lidings Law Firm (Author). Thomson Reuters. 2010.

## 10.2. Further readings

### Books:

1. Federalism in Russia. Edited by Dr. Rafael Khakimov. Kazan, 2002. P. 1-27; 212-278.  
[http://www.kazanfed.ru/dokladi/federalism\\_eng.pdf](http://www.kazanfed.ru/dokladi/federalism_eng.pdf)
2. Carla L. Thorson. *Politics, Judicial Review and the Russian Constitutional Court*. Palgrave Macmillan. 2012.
3. Trochev, Alexei. *Judging Russia: Constitutional Court in Russian Politics, 1990-2006*. Cambridge University Press. 2008.
4. Harold Berman, *Justice in the USSR*. Harvard University. 1963.
5. Peter Solomon (ed.) *Reforming Justice in Russia, 1864-1996: Power, Culture and the Limits of Legal Order*. Armonk-NY: M.E.Sharpe. 1997.
6. Alena V. Ledeneva. *Russia's Economy of Favours: Blat, Networking and Informal Exchange*. Cambridge University Press. 1998.
7. Pamela Jordan, *Defending Rights in Russia: Lawyers, the State, and the Legal Reform in the Post-Soviet Era*. Vancouver: UBC Press. 2005.
8. Graeme Gill and James Young, ed. *Routledge Handbook of Russian Politics and Society*. 2012.
9. Jeffrey Kahn, *Federalism, Democratization, and the Rule of Law in Russia*. Oxford University Press. 2002.
10. Eugene Huskey, *Presidential Power in Russia*. The National Council for Soviet and East European Research. 1996.
11. William Butler, *Russian Law*. 3rd ed. Oxford University Press. 2009.
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