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Central and Eastern European
Network of Legal Scholars

4th Annual CEENELS Conference

Legal Innovativeness in Central and Eastern Europe | Moscow, 14-15 June 2019

National Research University “Higher School of Economics”, Law Faculty, Moscow in collaboration with the University of Graz, Faculty of Law under the patronage of the *Review of Central and Eastern European Law*

Programme of the Parallel Sessions

14 June 2019 (Friday)

14⁴⁵ – 16⁴⁵

Parallel Sessions 1

Session:	1.1: Legal Theory A	1.2: Byzantine Law (in Russian)	1.3: Legal Language (in Russian)	1.4: Legal History (in Russian) A
Room:	319a	323	326a	421
Chair:	Mikhail Antonov	Olga Akhrameeva	Anton Didikin	Anastasiya Tumanova
Speaker 1	Vladimir Isakov, Dmitry Poldnikov Higher School of Economics, Moscow <i>The state of theoretical jurisprudence in Russia: perspective trends amidst post-Soviet legacy</i>	Alexey Ovchinnikov Southern Federal University, Rostov-on-don <i>Идея симфонии властей в византийском государственно-правовом наследии России.</i>	Natallia Kovkel Belarusian State Economic University <i>Contemporary semiotics of law: problematic choice of major concepts and definition of paradigms / Современная семиотика права: проблемы выбора основных концептов и определения парадигмы</i>	Konstantin Krakovski Russian Presidential Academy of National Economy and Public Administration <i>European influence and domestic creativity in the formation of the judiciary in Russia (mid 19th century) / Европейское влияние и отечественное творчество в формировании судебной власти в России (середина XIX в.).</i>
Speaker 2	Piotr Szymaniec Angelus Silesius University of Applied Sciences in Wałbrzych <i>Polish sociology of law of 1960s. An attempt of innovative view on "science of law"</i>	Vadim Pavlov Academy of the Ministry of the Interior, Minsk <i>Особенности светско-церковного синтеза в правовой системе Византии</i>	Simeon Groysman Sofia University "St. Kliment Ohridski" <i>Supremacy of Rights and Its Difficult Implementation in the Balkans / Верховенство права и трудности его реализации на Балканах</i>	Kirill Solovyov Institute of Russian History, Russian Academy of Sciences <i>Representative power in Russia in the beginning of the 20th century: European traditions and Russian innovations / Представительная власть в России в начале XX в.: европейские традиции и российские новации</i>
Speaker 3	Rafał Mańko University of Amsterdam <i>The innovativeness of the legal theory of Artur Kozak (1960-2009)</i>	Aleksandar Đorđević University of Niš <i>Градски закон как пример рецепции римско-византийского права в славянских государствах</i>	Vladislav Turanin Belgorod State University <i>Legal Terminology Phenomenon in the Context of Modern Legal System Evolution / Феномен юридической терминологии в контексте эволюции современной правовой системы</i>	Alexander Safonov Higher School of Economics, Moscow <i>Freedom of Conscience in the Context of the Ideas of European and Russian Jurisprudence at the Beginning of the 20th century / Институт свободы совести в контексте идей европейской и российской юриспруденции начала XX в.</i>
Speaker 4	Alexandra Mercescu West University of Timișoara <i>"Originality" in Law: Its Ontology, Its Politics</i>	Andrei Seregin Southern Federal University, Rostov-on-Don <i>Цивилизационный феномен византийско-славянской правовой системы</i>		Bulat Nazmutdinov Higher School of Economics, Moscow <i>Political and legal views of Russian Eurasians on the problem of separation of powers / Политические и правовые взгляды русских евразийцев на проблему разделения властей</i>
Discussion (30 minutes)				

14 June 2019 (Friday)

14 ⁴⁵ – 16 ⁴⁵	Parallel Sessions 1 (continued)			
Session:	1.5: Courts A	1.6: Constitutionalism A	1.7: Public Law A	1.8: “Immunity” and “Resistance” within Administrative Praxis
Room:	518	424	508	422
Chair:	Maria Filatova	Irina Alebastrova	Lucian Bojin	Victoria Umanskaya; Jakub Firlus
Speaker 1	Marko Bratković University of Zagreb <i>Interpretational statements of the supreme court as a (binding) source of law</i>	Petr Agha Director, Centre for Law and Policy, Czech Academy of Sciences <i>Constitutional Designs in the Wake of Populism</i>	Damjan Možina University of Ljubljana <i>Expansion of state liability in post-socialist Slovenia</i>	Hanna Knysiak-Sudyka Jagiellonian University, Kraków <i>Administrative mediation – perspective of negotiated decision-making process under Polish law</i>
Speaker 2	Jan Zobec Supreme Court of the Republic of Slovenia <i>The Failed Transition of the Third Branch – the Case of Slovenia</i>	Adam Sulikowski University of Wrocław <i>Illiberal democracy – concept and perspectives of expansion in Central and Eastern Europe</i>	Przemysław Tacik Jagiellonian University, Kraków <i>A Revival of Inoperative Law? Central-Eastern European Neo-Authoritarianism and Illiberal Legality</i>	Marta Romańska Jagiellonian University, Kraków <i>The system of means of challenge in administrative proceedings assessed in the light of the principle effectiveness and non-competitiveness (of reference to EU law, Polish law and ECHR case law)</i>
Speaker 3	Magdalena Michalska Jagiellonian University, Kraków <i>The principle of proportionality in Polish and ECHR judiciary in comparative perspective</i>	Alexandra Troitskaya Moscow State University <i>The phenomenon of East European Constitutionalism in comparative perspective</i>	Aiste Mickonyte, Benedikt Harzl University of Graz <i>Armenia caught between (in-)compatible legal orders: Paths of competitive and cumulative integration</i>	Jakub Grzegorz Firlus Jagiellonian University, Kraków <i>Administrative appeals in 21st century – obsolete prelitigation stage of administrative justice or proper alternative for court dispute over legality of administrative action</i>
Speaker 4			Wojciech Ciszewski Jagiellonian University, Kraków <i>Conscientious exemptions and the incontestability criterion</i>	Agata Cebera Jagiellonian University, Kraków <i>Prosecutor’s participation in administrative process – common European standard derived from Lenin’s works’</i>
Discussion (30 minutes)				

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17⁰⁰ – 19⁰⁰

Parallel Sessions 2

Session:	2.1: Constitutionalism B	2.2: Legal Theory B	2.3: Public Law B	2.4: Courts B
Room:	319a	323	326a	518
Chair:	Adam Sulikowski	Anita Soboleva	Josef Marko	Alan Uzelac
Speaker 1	Anna Aleksandrova Penza State University <i>The phenomenon of social rights in the constitutional law in the countries of Central and Eastern Europe</i>	Tomasz Bekrycht University of Łódź <i>Theories of Legal Interpretation in Polish Legal Studies</i>	Marianna Muravyeva University of Helsinki <i>One Slap is Not the End of the World': Defining Family Violence in the Courtroom</i>	Maria Filatova Higher School of Economics, Moscow <i>Judicial law-making in Eastern and Central Europe: New Judicial Methodology?</i>
Speaker 2	Bartłomiej Ślemp University of Warsaw <i>Horizontal equalisation and other instruments reducing or eliminating differences in the financial capacity of local government – constitutions' provisions and jurisprudence of constitutional courts of selected CEE countries</i>	Lucian Bojin West University of Timișoara <i>Legal acculturation and domestic creativity through lawyers' practice in post-1989 Romania</i>	Yulia Khalikova Bremen International Graduate School of Social Sciences Anton Kazun Higher School of Economics, Moscow <i>Gender inequality among attorneys in Russia</i>	Kinga Drewniowska University of Wrocław <i>The role of constitutional court in democratic state based on the rule of law – analysis after (un)constitutional changes in Poland</i>
Speaker 3	Alexander Gorskiy University of Tübingen <i>The requirement of the federal homogeneity in the modern Russian Constitution: Between the German and Austrian examples</i>	Markéta Štěpáníková Masaryk University, Brno <i>Informal authorities in the process of legal drafting</i>	Anna Demenko, Michał Urbańczyk Mickiewicz University in Poznań <i>Politically correct hate speech</i>	Maxim Sorokin National Institute for Entrepreneurship Research, Russia <i>Russia: the paradox of legislative role of the judicial power</i>
Speaker 4	Ksenia Eggert KU Leuven / Higher School of Economics, Moscow <i>Politics behind blasphemy: «anti-blasphemy» law in Russia, case law of EctHR and relevant context</i>		Piotr Eckhardt Jagiellonian University, Kraków <i>The institution of the construction planning permit as an example of legal innovativeness in implementing neoliberalism in post-socialist Poland</i>	Agnieszka Skóra University of Warmia and Mazury <i>Electronic administrative courts and electronic administration in Poland – traditions and new challenges. How to change the Polish mentality and prejudice?</i>
Discussion (30 minutes)				

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Parallel Sessions 2 (continued)

Session:	2.5: Legal History A	2.6: Criminal Law	2.7: Private Law A	2.8: Legal Theory C
Room:	422	424	428	325
Chair:	Alexander Vorobiev	Gleb Bogush	Rafał Mańko	Dmitriy Poldnikov
Speaker 1	Adrian A. Selin Higher School of Economics, St. Petersburg <i>Novgorod the Great Court Instances in 1584-1616</i>	Monika Czechowska University of Wrocław <i>The Polish institution of the crown witness modelled on American, Italian and German solutions – as an example for the originality of the countries of CEE in the acquisition of legal institutions from abroad (the phenomenon of legal acculturation)</i>	Emod Veress Sapientia Hungarian University of Transylvania <i>From dualism to monism in private law. An innovative Romanian approach: hybridisation</i>	Tomasz Guzik Jagiellonian University <i>Behavioural Economics in Legal Applications. Critical analysis</i>
Speaker 2	Elena Borodina Institute of History and Archaeology, Ural brunch of Russian Academy of Sciences <i>Legal practices in Kungur district in 1720-1730s: land use and land tenure among peasantry</i>	Imre Otto Nemeth Eötvös Loránd University <i>Overcriminalization: the Fall of Criminal Law Dogmatics</i>	Jarosław Turłukowski University of Warsaw <i>Testamentary gifts in Polish lands: from origins till present day</i>	Wojciech Zomerski CLEST, University of Wrocław <i>Polish Legal Theory on the Cusp. Towards the Post-Analytic Theory of Law?</i>
Speaker 3	Alice Plate Ural Federal University named after the first President of Russia B.N. Yeltsin <i>Estate justice of Catherine the Great: judicial activity of peasants in the Urals in 1780-1790s</i>	Irina Chashchina Higher School of Economics, Moscow Christina Kulakova Ludwig-Maximilians-Universität München (LMU) <i>Legal Authenticity and legal Innovativeness in Central and Eastern Europe. The use of restorative justice for Germany</i>	Antun Bilić University of Zagreb <i>Executory debenture – an instrument of Croatian law on Crossroads between Private and Public, Procedural and Substantive</i>	Vladimir Churakov Higher School of Economics, Moscow <i>Big Data as the Innovative Method in Law Science</i>
Speaker 4		Maxim Karljuk Higher School of Economics, Moscow <i>Against Punishment</i>		
Discussion (30 minutes)				

15 June 2019 (Saturday)

11⁴⁵ – 13⁴⁵

Parallel Sessions 3

Session:	3.1: Legal Theory D	3.2: Legal History B	3.3: Private Law B	3.4: International Law
Room:	323	325	518	421
Chair:	Piotr Szymaniec	Marianna Muravyeva	Lucian Bojin	Vladislav Starzhenetsky
Speaker 1	Anton Didikin , Higher School of Economics, Moscow <i>Speech Acts and Actions in Legal Language: Conceptual Analysis</i>	Elena Marasinova Higher School of Economics, Moscow <i>Moratorium on the Death Penalty in Russia 18th Century: the Influence of the Ideas of the Enlightenment or of the Orthodox Faith</i>	Konstantin Totyev Higher School of Economics, Moscow <i>Principle of legality as the context of business transaction invalidity due to non-compliance with the public law requirements of economic legislation</i>	Emilia Mišćenić University of Rijeka <i>Bilateral investment treaties and But in Central and Eastern Europe: Croatian Perspective’.</i>
Speaker 2	Anita Soboleva Higher School of Economics, Moscow <i>Interpretation in absence of canons: can topical approach help?</i>	Aaron Retish Wayne State University, Detroit <i>Rule of Law, Living Law, and Revolutionary Consciousness in Soviet Russia: Legal Innovations of the Local People’s Courts, 1917-1922</i>	Sandra Brožová University of Economics in Prague <i>The nature and legal effects of shareholders agreements in Czech and Slovak private law and its interpretation</i>	Velimir Zivkovic KFG, International Rule of Law <i>Serbian Bilateral Investment Treaties – (Why the) Lacking Legal Innovativeness?</i>
Speaker 3	Alexander Petrov Siberian Federal University, Krasnoyarsk <i>The Formal Priority of Codes: the rise and fall of a concept with the Eastern European origin</i>	Evgeny Tikhonravov Siberian Federal University, Krasnoyarsk <i>Krystyna Marek’s contribution to the concept of non-recognition of territorial annexation</i>	Ionuț Tudor independent researcher, Romania <i>Reconsidering the commons – „obște” as an alternative way of organizing property</i>	Hugo Flavier Bordeaux University <i>Differentiated integration and EAEU</i>
Speaker 4		Laura Gheorghiu University of Graz <i>David Mitrany’s functionalism in the interwar and today</i>	Ewa Matejkowska Jagiellonian University, Kraków <i>The Idea of Corporate Social Responsibility as a Challenge for Polish Law</i>	Daria Boklan Higher School of Economics, Moscow <i>Effectiveness of adaptation as a response to the threat of climate change: Russian approach</i>
Discussion (30 minutes)				

15 June 2019 (Saturday)

11⁴⁵ – 13⁴⁵

Parallel Sessions 3 (continued)

Session:	3.5: Legal Theory E (in Russian)	3.6: New Challenges	3.7: International Courts
Room:	423	429	508
Chair:	Vladimir Isakov	Rafał Mańko	Zdeněk Kühn
Speaker 1	Sergei Kasatkin Samara Academy of Humanities, Samara <i>Cultural Parameters of Legal Theory: Universalism vs. Parochialism / Культурные параметры теории права: универсализм или партикуляризм</i>	Maria Kapustina St. Petersburg State University, St.Petersburg <i>Russian Information Security Doctrine: Legal Continuity and Legal Innovativeness in the Information Sphere</i>	Yulia Khalikova International Graduate School of Social Sciences, Bremen <i>Tale of Two Courts: Interaction between the Russian Constitutional Court and the European Court of Human Rights</i>
Speaker 2	Yury Arzamasov Higher School of Economics, Moscow <i>Correlation between normography, jurisprudence, and legal linguistics' / Соотношение нормографии, легиспруденции и юридической лингвистики</i>	István Ambrus Eötvös Loránd University, Budapest <i>Whistleblowing – theoretical and practical issues</i>	Balazs Jozsef Geller Eötvös Loránd University, Budapest <i>The Principle of ne bis in idem in the Latest Judgments of the ECJ and How It May Influence the European Arrest Warrant System</i>
Speaker 3	Aleksei Kartsov Constitutional court of the Russian Federation <i>Legal transplants in Russian legal history: ideological aspects / Фактор рецепции в истории русского права: идеологические аспекты восприятия</i>	Daria Chernyaeva Higher School of Economics, Moscow <i>Development of legal grounds for genetic engineering: Russia in comparative context</i>	Andrey Scherbovic, Mikhail Zverev Higher School of Economics, Moscow <i>The impact of the decisions of the European Court of Human Rights on Russian case law</i>
Speaker 4	Vasilii Tokarev Samara State Regional Academy, Samara <i>Comparative law as a tool for the study, creation and application of law in the legal system of Russia / Сравнительное правоведение как инструмент изучения, создания и применения права в России.</i>		
Discussion (30 minutes)			