

Modern Russian Justice (Remedies, Procedures and Trends)

Syllabus

Approved by the Academic Council
of the Basic Higher Education Programme

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*(Taught by Maria Filatova, PhD,
Associate Professor, Faculty of Law, Department of Public Law)*

I. Course Brief

1. Title

Modern Russian Justice (Remedies, Procedures and Trends)

2. Prerequisites

The Course is aimed at students of 3rd year of bachelor program or above. No special prerequisites are required. It is an advantage, though not mandatory, to have a background in constitutional law, judicial and procedural law, international civil procedure.

3. Abstract

The course «Modern Russian Justice: Remedies, Procedures and Trends» gives an overview of different judicial procedures existing in the Russian legal system. It covers different aspects of functioning of the Russian courts and provide for an analysis of differentiation of judicial remedies existing in the Russian legal order (constitutional, civil, criminal and administrative) and of courts fulfilling the respective functions. The analysis is given at an angle of ongoing reforms of the court system and judicial procedures and main issues the Russian judicial system faces at the modern stage of its development.

The course also introduces students to the existing relationships between national and supranational legal orders and the role of the highest Russian courts in their development.

The course will be useful for foreign undergraduate students having interest in the Russian judicial system and procedures used in it but also for Russian students seeking to deepen their knowledge on peculiarities of national judicial procedures.

4. Distribution of Workload

16 In-Class Hours (8 - lectures, 8 - seminars); 20 Self-Study Hours

II. Course Objectives

The Course main objectives comprise:

- enhancing students' knowledge of the basics of Russian judicial system, its goals and principles of activities;
- getting acquaintance with the main types of procedures in the Russian legal system;

- analyzing the competence of Russian courts and determine court having jurisdiction in particular cases.

III. Course Learning Outcomes

Students should gain *knowledge on*:

general structure and principles of the Russian judicial system's functioning;

- different procedures in which the judicial system exercises its activities;
- different remedies to be used in case of dispute/legal conflict
- competence of Russian courts and peculiarities of different types of procedures;
- peculiarities of transnational disputes' resolution in the Russian procedure.

Students should gain the following competences:

- To deal with judicial information (to search, evaluate, range and use the information necessary for accomplishment of scientific and professional tasks);
- To carry out the academic, educational and practical professional activities in the legal environment;
- To use normative, comparative and other specific methods;
- To recognize, analyse and think about solutions for legal problems in the sphere of international and domestic law and practice.

IV. Course Plan

Subject 1. *Russian Judicial System: Impact of the Past, Challenges of the Future. Judiciary and Legal Profession. Legal Thinking and Judicial Methodology.*

Subject 2. *Constitutional Justice in Russia: Role and Evolution. Constitutional Control as a Remedy of Last Resort in Human Rights Protection.*

Subject 3. *Russian Criminal Procedure: (Un)True Story of Modernization?*

Subject 4. *Civil and Commercial Procedure: Explosion of Litigation and New Remedies*

Subject 5. *Russian Justice in the Global Legal Landscape. Interaction with International Courts and Legal Orders.*

V. TYPES OF KNOWLEDGE CONTROL

Self-study control:

-Essay or presentation on a selected topic as agreed with the Course Instructor (8-10 printed pages (Times New Roman, 14 pt);

Intermediate control:

-Exam – graded assessment of the level of acquired knowledge and developed skills during the Course; includes written questions covering syllabus material, i.e. theoretical and practical dimensions (test).

Parameters

Written 60-minute exam.

VI. Guidelines for Knowledge Assessment

All assignments (including the final exam) are graded on the scale of 0-10. Midterms and current controls consist of:

7.1 Attendance policy

It is imperative that students attend classes. Participation in lessons and seminars is mandatory, except in case of a medical emergency (e.g. sickness). Students will need to provide evidence for missing class (doctor's note). If evidence is provided, the missed class is considered as an excused class. If no evidence is provided immediately before or after the class, the missed class is counted as an absence. Late arrivals will be considered as absences if the delay is more than 30 minutes. Participation implies that students are on time, have studied the assigned material in advance and work actively.

7.2 Additional course policies

Late papers will not be accepted unless there are serious legitimate reasons. Provision of a signed medical note is required, and notice must be given prior to the deadline.

7.3 Plagiarism

Dishonesty and plagiarism are NOT admitted in this course. Cheating and plagiarism cases will be sanctioned. Works affected by plagiarism will be considered null and void. If you report a sentence or a passage taken by someone else's work or by your own past works, you must cite the source/s. References and citations must be comprehensive and in a standard citation style (APA, MLA, Harvard, etc.). Please, pay attention to grammar, spelling, and punctuation.

VII. Reading List

Required (in HSE and other databases):

1. Kuhn, Z. *The Judiciary in Central and Eastern Europe: Mechanical Jurisprudence in Transformation?* Leiden, Boston: Martinus Nijhoff Publishers, 2011.
2. Malksoo, L.; Bender, W. (eds.). *Russia and the European Court of Human Rights: the Strasbourg Effect.* Cambridge University Press, 2018.
3. Morshakova T.G. (ed.) *Standards of Fair Justice [Standarty spravedlivogo pravosudiya].* Moscow, 2012 (in Russian).
4. Reshetnikova, Irina. 150 years of adversarial procedure in Russia // *Russian Law Journal.* 2013. № 1.

Optional:

1. Blankenagel, A. *Legal Reforms in Russia: Visible Steps, Obvious Gaps and an Invisible Hand* // https://www.academia.edu/10324814/Legal_Reforms_in_Russia_Visible_Steps_Obvious_Gaps_and_an_Invisible_Hand
2. Hensley, Kathryn. «Telephone Law» and the «Rule of Law»: the «Russian Case», I(2) *Hague Journal on the Rule of Law* (2009) [Electronic resource]. - Available at: <https://proxylibrary.hse.ru:2443/login?qurl=https%3a%2f%2fwww.cambridge.org%2fcore%2fproduct%2f6F2BEE4A9EB4F15FE65F16B897AD37EF%2fall-issues>
3. Trochev, A.; Solomon, Peter H. *Courts and Federalism in Putin's Russia*; in: Reddaway, P.; Ortung, R. W. *Dynamics of Russian Politics: Putin's Reform of Federal-Regional Relations.* Roman and Littlefield, Lanham, 2005).
4. Yakovlev, V.F. *Selected Works. Vol. 3: Commercial Courts: Establishment and Development [Izbrannye trudy. T. 3: Arbitrazhnye study: stanovleniye i razvitiye].* Moscow, 2013 (in Russian).

VIII. Methods of Instruction

The instructor proposes an interactive mode of giving lectures. Students are expected to read essential literature before attending lectures, they will be asked questions in order to check their comprehension. The syllabus will be accompanied with essential glossary. From the very beginning of their legal education students are encouraged to make use of the electronic resources of HSE, as many recommended papers are available at the data bases HSE is subscribed to.

Classes will be structured as participative lectures in order to stimulate class discussion. This course uses interactive educational technologies (problematic lectures, Socrates method, work in small groups, interactive seminars; brainstorming sessions). Students are expected to be well prepared, they must carefully study the materials indicated before the seminar. Students are expected to spend 12-14 academic hours of house reading, researching, and preparation per week.

Every lesson will be followed by the correspondent seminars as specified in this program. In order to be prepared for lessons, it is necessary to use the sources and legal acts enlisted in this syllabus. To prepare for the seminar, it is necessary to study carefully the material assigned during the lesson.

IX. Special Equipment and Software Support

The following equipment is essential to make teaching and learning comfortable and efficient:

- Personal computer (equipped with Microsoft Windows 10) with Internet access;
- Multimedia projector with remote control.