

Syllabus

INTRODUCTION TO RUSSIAN LAW

(4 ECTS)

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1. Course description

a) Pre-requisites:

- Intermediate or upper level of English language, both oral and written
- General knowledge of history and understanding of social regulation (school level)

b) Abstract

The course provides an introduction to Russian law and legal system in context. It starts with a brief history of the constitution-making process and describes the difficulties of rebuilding the legal system during the country's transfer from 'socialist' legal order to democracy and the rule of law. It further describes the main characteristics of Russia's system of constitutional, administrative, civil, criminal and procedural law. The main emphasis is made on the overview of the sources of Russian law and their hierarchy, analysis of relevant legal concepts and judicial practice, including the case law of the Constitutional Court. The course pays special attention to such issues as federalism, separation of powers, Presidency, role of courts, legal profession, individual rights, legal regulation of entrepreneurial activities, civil and *Arbitrazh* procedure, new developments in criminal law, death penalty regulation, jury trials, and the main points of disagreement between the Russian Constitutional Court and the European Court of Human Rights in their judicial practice on the same or similar cases.

2. Learning Objectives

- to obtain introductory knowledge about contemporary Russian law and legal system;
- to get understanding how the Russian law works in context and correlates with other legal systems;
- to gain skills in searching and analyzing the sources of Russian law available in English;
- to develop the capacity to analyze Russian legislation and case law.

3. Learning Outcomes

Students must gain

knowledge on:

- the distinctive features of the Russian legal system and of the main branches of Russian law;

- the system of government and judicial system in their development since 1993 up to the present moment;
- the main characteristics of the Russian federalism;
- the most significant decisions of the Constitutional Court;
- the peculiarities of Russian legal order, legal culture and legal consciousness;
- the system of professional legal training in Russia;

skills and abilities:

- to read academic works about Russian law and to summarize their content accurately;
- to find Russian legal judicial and governmental resources in English accessible through the Internet;
- to analyze basic concepts underlying the main branches of Russian substantive and procedural law;
- to analyze constitutional principles of Russian law 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.

Students should gain the following competences:

- to correctly use the legal terminology and understand legal concepts;
- to analyze critically the academic literature and other sources for legal research in the area of the Russian law;
- to work with information (search, evaluate, use information, necessary for fulfilment of scientific and professional tasks, from various sources, including application of the systematic approach);
- to carry out professional activities in the international environment;
- to search for and analyze legally relevant information by using the juridical, comparative and other specific methods,
- to describe legal problems and situations in the field of Russian law.

4. Course plan

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.

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.

Lecture 3. Federalism. Division of powers between the federation and the regions.

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.

Lecture 4. Separation of Powers. Russian Presidency.

Russian model of the separation of powers. Executive power, the President and the Government. Presidential powers. Implied powers.

Lecture 5. The executive branch. The Federal Assembly.

The Government's role and powers. 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.

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.

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.

Lecture 7. 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.

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.

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).

Plan of the seminars

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. Solzhenitsin'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.

Seminar 2. Russian Federalism. Division of powers between the federation and the regions.

1. Issues in federal jurisdiction, issues in joint jurisdiction and residual powers: constitutional design and case-law.
2. Changes in the federal structure since 1993.
3. Constitutional disputes on the powers of the subjects of federation.
4. Discussion: why Russia was called an "asymmetric federation" and "a unitary state government disguised under a mask of federalism"?

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.
3. Budgetary control and other controlling functions of the legislature over the executive.
4. Separation of powers in the judgments of the Constitutional Court.

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

1. Sources of law on individual rights. State institutes of human rights protection.
2. Legitimate restrictions of rights. Art 55 of the Constitution.
3. 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.
4. Political rights in the Russian Constitution. Freedom of assembly, association and speech. Freedom of movement. Voting rights.

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. YUKOS Case.
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.

Seminar 6. Civil law.

1. The concept of property and property rights. Protection of property rights.
2. Land ownership. Legal disputes on land ownership.
3. Liability for causing harm.
4. Legal capacity.
5. Legal persons.

Case-law:

1. ECtHR. Gladysheva v. Russia. App. no [7097/10](#). 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#{\)
2. ECtHR. Case of Shtukurov v. Russia. Application no. [44009/05](#) Judgment of 27 March 2008. (rights of mentally disabled and legal incapacitation).

Seminar 7. 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.

Seminar 8. Legal Profession. Migration Law. Tax system (a choice of topic depends on the student’s teams).

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.

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

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.

Team 3. Tax Law.

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

Team 4. Internet regulation

The right to impart and receive information. Restrictions on free flow of information. Prohibition of hate speech. Anti-extremist legislation. Regulation of Internet in civil law. The right to image. Privacy. Confidential information. Internet media regulation. Judicial practice: prosecution of bloggers for calls to hatred and anti-extremist speech. “Yarovaya’s amendments” to legislation.

Team 5. Mass media law and freedom of speech

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.

Seminar 9. Civil and *Arbitrazh* procedure.

1. Codes regulating civil and *arbitrazh* procedure. Parties.
2. Forms of pleadings .
3. Elements of proof at trial under the Civil Procedure Code. Burden of proof.
4. 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.
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?

Seminar 10. Feedback and results. Written assignment.

5. Reading list

a. Required readings:

1. 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.
2. Lukyanova, Elena. On the Rule of Law in the Context of Russian Foreign Policy // Russian Law Journal, vol. 3, no 2, 2015. <https://www.russianlawjournal.org/index.php/jour/article/view/81>
3. 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>
4. Khakimov, Rafael (ed.) *Federalism in Russia*. Kazan. 2002.
http://www.kazanfed.ru/dokladi/federalism_eng.pdf
 5. Esakov, Gennady. *The Russian Criminal Jury: Recent Developments, Practice, and Current Problems* // *The American Journal of Comparative Law*. Vol. 60. 2012. Pp. 665-702.

a. Optional readings (for essays and presentations)

Books:

1. Barry, Donald, ed. *Toward the 'Rule of Law' in Russia?* Routledge, 1992.
2. Berman, Harold. *Justice in the USSR*. Harvard University. 1963.
3. Butler, William. *Russian Law*. 3rd ed. Oxford University Press. 2009.
4. Efremova, Maria, Yakovleva, Svetlana and Henderson, Jane. *Russian Contract Law for foreigners*. Hart Publishing. 2014.
5. Gill, Graeme and Young, James (ed.) *Routledge Handbook of Russian Politics and Society*. 2012.
6. Henderson, Jane. 2011. *The Constitution of the Russian Federation: A Contextual Analysis*. Hart Publishing. Oxford and Oregon.
7. Huskey, Eugene. *Presidential Power in Russia*. The National Council for Soviet and East European Research. 1996.
8. Jordan, Pamela. 2005. *Defending Rights in Russia: Lawyers, the State, and the Legal Reform in the Post-Soviet Era*. Vancouver: UBC Press.
9. Kahn, Jeffrey. *Federalism, Democratization, and the Rule of Law in Russia*. Oxford University Press. 2002.
10. Lidings Law Firm (Author). 2010. *An Introduction to Russian Business Law*. Thomson Reuters.
11. Ledeneva, Alena V. 1998. *Russia's Economy of Favours: Blat, Networking and Informal Exchange*. Cambridge University Press.
12. Oda, Hiroshi, *Russian Commercial Law*. 2nd ed. Brill. 2007.
13. Richter, Andrei. *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.
14. Solomon, Peter (ed.) *Reforming Justice in Russia, 1864-1996: Power, Culture and the Limits of Legal Order*. Armonk-NY: M.E.Sharpe. 1997.
15. Thorson, Carla L. *Politics, Judicial Review and the Russian Constitutional Court*. Palgrave Macmillan. 2012.
16. Trochev, Alexei. *Judging Russia: Constitutional Court in Russian Politics, 1990-2006*. Cambridge University Press. 2008.

Articles:

1. Black, Larry and Johns, Michael (eds.), *Russia after 2012*. Routledge. 2013.
2. Bowring, Bill. "Russia and Human Rights: Incompatible Opposites?" *Gottingen Journal of International Law* 1 (2009), 257-278.
3. Chebankova, Elena. *Putin's Reforms and the Management of the Regions*; J. Paul Goode, *The Decline of Regionalism in Putin's Russia: Boundary Issues*; "Russian Regional Politics under Putin and Medvedev," Special issue edited by Cameron Ross, *Europe-Asia Studies*, 63: 3 (May 2011).
- 4.

5. Gans-Morse, Jordan. "Threats to Property Rights in Russia: From Private Coercion to State Aggression", *Post-Soviet Affairs*, 228:3 (2012), 263-95. Lukyanova, Elena. On the Rule of Law in the Context of Russian Foreign Policy // *Russian Law Journal*, vol. 3, no 2. 2015.
6. Johnson, Paul. 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>
7. Kahn, Jeffrey. "Report on the Verdict against M.B. Khodorkovsky and P.L. Lebedev," *The Journal of Eurasian Law*, 4:3 (2011), 321-411.
8. Petrov, Nikolai, Lipman, Masha and Hale, Henry, "Three Dilemmas of Hybrid Regime Governance: Russia from Putin to Putin," *Post-Soviet Affairs*, 30:1 (2014), 1-26.
9. Popova, Maria. "Watchdogs or Attack Dogs? The Role of Russian Courts and the Central Election Commission in the Resolution of Electoral Disputes," *Europe-Asia Studies*, 58:3 (May 2006), 391-414.
10. Sakwa, Richard. "The Dual State in Russia," *Post-Soviet Affairs*, 26:3 (July-Sept 2010), pp. 185-206.
11. Solomon, Peter H., Jr., "Judicial Power in Authoritarian States: the Russian Experience," in: Tom Ginsburg and Tamir Moustafa, eds, *Rule by Law: The Politics of Courts in Authoritarian Regimes*. Cambridge University Press. 2008.
12. Solomon, Peter H., Jr., "Courts in Russia: Independence, Power and Accountability," in: A. Sajo (ed.), *Judicial Integrity* (2004), p. 225-252.
13. Solomon Peter H., Jr., "The Unexpected Demise of Russia's High Arbitrazh Court and the Politicization of Judicial Reform," *Russian Analytical Digest*, no.147 (April 17, 2014).
14. Vaypan, Grigory. [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.

Internet Sources

1. The Constitutional Court www.ksrf.ru. Judgments of the Constitutional Court of the Russian Federation in English: <http://www.ksrf.ru/en/Decision/Judgments/Pages/2015.aspx>
2. President of the Russian Federation – <http://eng.kremlin.ru/>
3. Government of the Russian Federation – <http://government.ru/eng/>
4. The Federation Council of the Federal Assembly of the Russian Federation – <http://www.council.gov.ru/>
5. Supreme Court of the Russian Federation – <http://www.vsrp.ru/catalog.php?c1=English>
6. Children's Rights Commissioner of the Russian Federation – <http://english.rfdeti.ru/>
7. The Prosecutor General's office of the Russian Federation – <http://eng.genproc.gov.ru/?eng=1>
8. Law Journal of the Higher School of Economics (selected articles are in English) <http://law-journal.hse.ru>
9. Russian Law Journal <http://www.russianlawjournal.org/>
10. RAPSI (Russian Legal Information Agency). <http://www.rapsinews.com/news/>
11. GARANT Legal Database <http://english.garant.ru/>
12. ConsultantPlus Legal Database <http://www.consultant.ru/sys/english/>

6. Grading system

The grades are awarded on 10-score scale, where grades from 8 to 10 mean "excellent", 6-7 mean "good", 4-5 mean "moderate" and scores below 4 mean "fail".

The weight of grades for different forms of control is the following:

Attendance and participation in class discussions - 30%

Team presentation - 10 %

Essay – 20%

Written assignment – 40%

The final grade is formed according to the following formula:

$$\text{Fin} = \text{Attn} * 0,3 + \text{HW} * 0,1 + \text{Essay} * 0,2 + \text{Final written assignment} * 0,4$$

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

In case of failure new exam is held before the board of three teachers (Commission) in oral form.

Type of task	Criteria for evaluation	Grade
Essay	The paper covers the subject with due completion, contains the author's independent view and thorough analysis of the problems raised. Discussion is based on legal sources, including academic articles and relevant case-law. Argumentation is consistent; the list of references is sufficient and adequate.	8-10
	The paper generally covers the topic, but some aspects of the main problems are ignored. The style of the paper has some flows. The list of references is missing or contains only few academic sources, references to judicial decisions and normative acts. The paper does not contain the original viewpoints of the author.	6-7
	The paper is basically related to the topic, but analysis is superficial, arguments inconsistent and style is messy. The paper is unstructured. List of references is missing or contains the sources, which are irrelevant or only partly relate to the problems raised.	5-4
	The content of the paper does not correspond to its topic, the structure is unclear, arguments are missing or inconsistent. Style is messy, the text is full of grammar mistakes. The most part of the paper is re-written uncritically from Internet sources, list of references is missing, academic sources have not been used or were cited without due references.	3-2
	The paper has not been submitted in time or contains plagiarism	0
Take-home assignment	The concise, precise and clear presentation, which demonstrates the understanding of the topic by the team members and their ability to find, select and present legal information on the required topic. The presentation is based on relevant legislation, case law and academic sources.	10-8
	The presentation generally covers the topic, but some important sources of legal information have not been found by the team members; the decisions of the Constitutional Court or/and the Supreme Court, where relevant, have not been covered. There are flows in structure of the presentation.	7-6
	The presentation is superficial or does not correspond to the topic, contains factual mistakes, is not logically structured. Poor analysis of the legal sources. Mistakes and omissions in the coverage of the topic.	5-4
	The presentation does not correspond to the topic or covers the topic only in part, has many omissions, is not based on relevant academic and/or normative legal resources.	3-2
	The presentation was not made or a student did not participate in the team work.	0

Written class assignment	The answers to theoretical questions are full, precise and correct (1 score for each full correct answer). The discussion section is, in general, a correct full document based on legal sources, including relevant decisions of the Constitutional Court. The paper demonstrates the knowledge of the academic literature which has been assigned for the seminars.	8-10
	The answers to theoretical questions are not full, precise or correct. The discussion section is, in general, a correct full document based on legal sources, including relevant decisions of the Constitutional Court. Argumentation is consistent, but there are few minor mistakes or omissions. The knowledge of mandatory readings for the course has not been demonstrated or was demonstrated insignificantly.	7-6
	The papers contains some correct answers to theoretical questions and/or problems raised in the discussion section, but generally the work does not demonstrate the knowledge of the basic sources of the Russian law and mandatory literature for the course. The arguments in the discussion section are not consistent and are not exemplified by the decisions of the Constitutional Court.	5-4
	The answers to theoretical questions are provided, but the discussion section is missing or entirely incorrect.	2-1
	The written assignment had not been submitted	0

7. Examination type

The grade for the course is cumulative, so there is no final exam, though there is a written assignment in the end of the course, which is a part of the grade.

Type of control	Form of control	Requirements
Current	Class attendance and participation in class discussions	Students are required to come prepared for each lecture and seminar and be ready to answer the questions and elaborate on the mandatory readings. Attendance without participation in the discussion results in average 4 grade (moderate) for this part of the course.
	Essay	5-7 pages. The topic should be approved by the teacher. 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	Written assignment in class	Written assignment consists of 2 parts: (1) 2 short theoretical questions and (2) a discussion section. The first part is a closed-book examination; students are not allowed to use any of the materials when they answer the questions. For the second part of the assignment, consisting of the open-ended question for the discussion, students are allowed to bring and use their own notes and printed materials. Use of mobile phones and any other devices or gadgets, including laptops, smart watches or earphones, is strictly prohibited and results in zero grade.

Final	Cumulative grade	Results from class participation + homework + essay + written assignment
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Sample of the written assignment

Part 1. Please, provide a brief answer to the questions (max 1 score for each correct answer). *You are not allowed to use any sources during this part of the written exam.*

1. Briefly describe the types of crimes when the jury trial is available. Which changes the jury trial system has undergone since 1993?
2. Briefly describe the jurisdiction of the Russian Constitutional Court. How the judges are appointed to this Court?

Part 2. Discussion section. This is an open-book part of the exam. You can use your notes, printed materials and books, but not the gadgets of any kind. *Mobile phones, laptops, notebooks, etc. are strictly prohibited and result in 'zero' grade.*

What civil law disputes the Constitutional Court had to review? Do you agree or disagree with its judgements on the cases you describe? Why?

Requirements for the essays

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.

The student is obliged to use relevant resources in English, recommended in the related parts of this program to lectures and seminars on the topic chosen. Other resources in English or in Russian should be added. The list of resources yours for the essay should include at least 5 academic sources plus normative acts and/or case law. Quotes from the sources used are necessary. The list of references (bibliography) should be an integral part of the essay.

Essays in Russian are not accepted.

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. The right to land and transactions with land parcels under the Civil Code and the Land Code of the Russian Federation.
47. Types of contracts under the Russian Civil Code.
48. Special norms regulating entrepreneurial activity in the Civil Code of the Russian Federation.
49. General provisions on obligation in the Russian Civil Code: parties, performance, securing the performance and responsibility for violation of obligations.
50. General provisions on contract in the Russian Civil Code: terms of a contract, conclusion of a contract, change and dissolution of contracts.

51. Legal profession in Russia vis-à-vis a student's home country.
52. Legal education in Russia vis-à-vis a student's home country.
53. Admissibility of evidence in Russian rules of criminal procedure.
54. Status of migrants and refugees in Russia.
55. Secular state and regulation of wearing visual signs of belonging to religion in public space: Russian experience.
56. Defamation of public officials: Russian judicial practice in the context of international standards.
57. Defamation cases initiated against journalists and politicians by governors and mayors in Russia: domestic court practice and international context.
58. Code of Administrative Procedure: general overview and critical remarks.
59. Challenging the decisions of administrative bodies in court: judicial practice.
60. Differentiation between crimes and administrative offenses in Russian legal system.
61. Defense of personal rights in criminal procedure in the decision of the Russian Constitutional Court.
62. Hate crimes in Russian criminal law.
63. Anti-discrimination legislation in Russia vis-a-vis other countries.
64. Legal status of NGOs in Russia.
65. Sanctions for insulting religious feelings and freedom of artistic expression in Russian legal system.

Sample questions for the oral exam (re-examination only):

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

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. Subjects 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.

8. Methods of instruction

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.