

# **Reference Materials for HSE Global Scholarship Competition — 2022**

## **Law**

### **I. Contents. Topic Overview**

#### **Theory of State and Law**

Notion of a source of law. Types of sources of law. Notion of legal norm. System of law and legislative system. Notion and meaning of system of law. Notion of legal relations. Characteristic features of legal relations. Legal subjects. Legal capacity and its elements: formal legal capacity, legal capability, tortious capacity. Notion and meaning of interpreting the law. Classification of types and methods of interpretation of law. Notion and legal features of infringement. Violation of law as wrongdoing (action and failure to act). Danger to the public because of infringement. Culpable wrongdoing. Set of all elements of an offence. Types of offences. Criminal act and misdemeanor. Legal responsibility. Notion and legal features of responsibility. Classification of legal responsibility. Notion of a state governed by the rule of law. Historical genesis and evolution of the doctrine of law-governed state.

#### **Constitutional Law of Russia**

Notion of Constitutional Law. The Constitution of the Russian Federation: comprehension, legal features, concept, structure. Foundations of the constitutional system of the Russian Federation.

#### **Civil Law**

Subject, method, sources of the Civil Law. Principles of the Civil Law. Notion and structure of civil relation. Reasons of civil relations. Legal status of civilians. Formal legal capacity and legal capability of civilians. Name and domicile of a civilian. Deeming of a citizen to be missing or to be deceased. Legal entities as subjects of civil relations. Notion and features of a legal entity. Types of legal entities. Commercial and non-commercial legal entities. Corporate and U-form organizations. Objects of civil relations. Types of objects. Property as object of civil relations. Securities as object of civil relations. Intangible good and ways of its protection. Bargain. Types of bargains. Forms of transactions. Representation. Power of attorney. Maturity. Limitation period. Ownership. Power of owner. Roots of title of ownership and termination of rights. Основания возникновения и прекращения права собственности. Joint possession. Contract: notion, content, procedure for the conclusion. Notion of obligation. Obligation execution. Ensuring performance of obligations. Basic types of contracts under Russian law: sale of the goods, exchange, gift, tenancy and lease, labor contract, compensated rendering of services, loan and credit, bank deposit, bank account. Tort liability and its distinction from other types of legal responsibility.

#### **Civil Procedural Law**

Legislation on civil procedure. Principles of civil procedure. Types of civil procedure. Parties involved in a case. Civil procedural capacity. Civil procedural capability. Parties of civil litigation. Rights and duties of the parties of civil litigation. Representation in court. Composition of court.

Recusation. Service of process and summons. Jurisdiction. Evidence and burden of proof. Costs of the proceedings. Fines imposed by the court. Action proceedings in the court of first appearance. Special proceedings in civil court.

### **Comparative Law**

Notion of national legal system. World's legal systems: Romano-Germanic (Civil Law), Anglo-American (Common Law), Sharia (Islamic Law). Main features of legal families. Основные черты правовых семей. Comparative Law influence on legal norms of International Law.

### **International Law**

Notion and principles of International Law. Subjects of International Law. International Treaty (Convention). International instruments on human rights. International protection of human rights. European Human Rights Court.

## **II. Recommended sources**

1. Hans Kelsen. Pure Theory of Law. The Lawbook Exchange Ltd. 2005. (URL: [https://www.google.ru/books/edition/Pure\\_Theory\\_of\\_Law/6XQNJe8-OdEC](https://www.google.ru/books/edition/Pure_Theory_of_Law/6XQNJe8-OdEC))
2. Hans Kelsen. General Theory of Law and State. Taylor & Francis. 2017. (URL: [https://www.google.ru/books/edition/General\\_Theory\\_of\\_Law\\_and\\_State/sCsxDwAAQBAJ](https://www.google.ru/books/edition/General_Theory_of_Law_and_State/sCsxDwAAQBAJ))
3. Peter Drahos. Regulatory Theory: Foundations and applications. ANU Press. 2017. (URL: <https://www.jstor.org/stable/j.ctt1q1crtm>)
4. Gunnar Folke Schuppert. A Global History of Ideas in the Language of Law. Max Planck Institute for Legal History and Legal Theory. 2021. (URL: <https://www.jstor.org/stable/j.ctv1j13z40>)
5. Kim Lane Scheppele. Autocratic Legalism // The University of Chicago Law Review Vol. 85, No. 2 (March 2018), pp. 545-584. (URL: <https://www.jstor.org/stable/26455917>)
6. Alexei Trochev. Less Democracy, More Courts: A Puzzle of Judicial Review in Russia // Law & Society Review Vol. 38, No. 3 (Sep., 2004), pp. 513-548. (URL: <https://www.jstor.org/stable/1555143>)
7. The Constitution of the Russian Federation. (URL: <http://archive.government.ru/eng/gov/base/54.html>)
8. Martin Russell. Constitutional change in Russia. European Parliament Briefing. 2020. (URL: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651935/EPRS\\_BRI\(2020\)651935\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651935/EPRS_BRI(2020)651935_EN.pdf))
9. Civil Code of the Russian Federation. Part One. 2021. (URL: <https://rospatent.gov.ru/en/documents/1-civil-code-of-the-russian-federation-part-one/download>)
10. Civil Code of the Russian Federation. Part Two. 2021. (URL: <https://rospatent.gov.ru/en/documents/2-civil-code-of-the-russian-federation-part-two/download>)

11. Christopher Osakwe. Russian Civil Code. Text and Commentary. 2008. (URL: [https://www.google.ru/books/edition/%D0%A0%D0%BE%D1%81%D1%81%D0%B8%D0%B9%D1%81%D0%BA%D0%B8%D0%B9\\_%D0%93%D1%80%D0%B0%D0%B6%D0%B4%D0%B0%D0%BD%D1%81%D0%BA/JcanG8FDWdcC](https://www.google.ru/books/edition/%D0%A0%D0%BE%D1%81%D1%81%D0%B8%D0%B9%D1%81%D0%BA%D0%B8%D0%B9_%D0%93%D1%80%D0%B0%D0%B6%D0%B4%D0%B0%D0%BD%D1%81%D0%BA/JcanG8FDWdcC))
12. Liudmila Yu. Vasilevskaya. Foreign Institutions in the Civil Code of the Russian Federation: Analysis, Problems, Development Trends // Journal of Siberian Federal University. Humanities & Social Sciences 6. 2017, pp. 801-811. (URL: [http://elib.sfu-kras.ru/bitstream/handle/2311/33304/05\\_Vasilevskaia.pdf](http://elib.sfu-kras.ru/bitstream/handle/2311/33304/05_Vasilevskaia.pdf))
13. Civil Procedure Code of the Russian Federation. 2021. (URL: <https://cis-legislation.com/document.fwx?rgn=3569>)
14. Salogubova E., Zenkov A. Roman law's influence on Russian civil law and procedure // Russian Law Journal 6(2). 2018, pp. 118-133. (URL: <https://www.russianlawjournal.org/jour/article/view/503/203>)
15. Tatyana V. Sakhnova. Development of Simplified Procedures in Civilistic Process in the Context of Legislative Reforms // Journal of Siberian Federal University. Humanities & Social Sciences 13 (1). 2020, pp. 103–115. (URL: [http://elib.sfu-kras.ru/bitstream/handle/2311/129910/10\\_Sakhnova.pdf](http://elib.sfu-kras.ru/bitstream/handle/2311/129910/10_Sakhnova.pdf))
16. A. Raghunadha Ready. Legal Reforms Through Judicial Law-Making: a Critical Appraisal from Roman Law to Common Law // Journal of the Indian Law Institute Vol. 47, No. 4. October-December 2005, pp. 469-482. (URL: <https://www.jstor.org/stable/43951996>)
17. Fábio Perin Shecaira. Legal Scholarship and the Subject Matter of Jurisprudence // Archiv für Rechts- und Sozialphilosophie // Archives for Philosophy of Law and Social Philosophy Vol. 101, No. 3. 2015, pp. 411-427. (URL: <https://www.jstor.org/stable/24756814>)
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19. Aharon Layish. Islamic Law in the Modern World: Nationalization, Islamization, Reinstatement // Islamic Law and Society, Vol. 21, No. 3. 2014, pp. 276-307. (URL: <https://www.jstor.org/stable/43304512>)
20. R. Michael Feener. Social Engineering through Shaī'a: Islamic Law and State-Directed Da'wa in Contemporary Aceh // Islamic Law and Society, Vol. 19, No. 3. 2012, pp. 275-311. (URL: <https://www.jstor.org/stable/41723252>)
21. United Nations. International Law Handbook. Collection of Instruments. Book One. 2017. (URL: [https://legal.un.org/avl/studymaterials/handbook/english/book\\_1.pdf](https://legal.un.org/avl/studymaterials/handbook/english/book_1.pdf))
22. European Convention on Human Rights. 1950. (URL: [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf))

### III. Online sources

1. United Nations Audiovisual Library of International Law. URL: <https://legal.un.org/avl/lectureseries.html>
2. Citizenship and the Rule of Law. University of London. Coursera MOOC. URL: <https://www.coursera.org/learn/citizenship-rule-of-law>
3. Legislation Of 11 Countries. Members of CIS. URL: <https://cis-legislation.com/>
4. Russian Law Journal. URL: <https://www.russianlawjournal.org/>
5. Law Courses. URL: <https://www.edx.org/learn/law>