МИНИСТЕРСТВО ОБРАЗОВАНИЯ И НАУКИ РФ

**Федеральное государственное автономное**

**образовательное учреждение высшего образования**

**«Национальный исследовательский Нижегородский**

**государственный университет им. Н.И. Лобачевского»**

**ПРАВО**

Учебно-методическое пособие

по дисциплине «Право»

Рекомендовано методической комиссией Института экономики и предпринимательства ННГУ для иностранных студентов, обучающихся по направлению подготовки 38.03.01 «Экономика»,

профиль «Мировая экономика» (на английском языке)

Нижний Новгород

2017

**УДК 340**

**ББК 67.0**

**П-68**

**П-68** Удалова И.Б. Право: Учебно-методическое пособие / Составитель: Удалова И.Б. – Нижний Новгород: Нижегородский госуниверситет, 2017. − 39 с.

Рецензент: к.ю.н., доцент А.С. Власова

В настоящем пособии изложены учебно-методические материалы по курсу «Право» для иностранных студентов, обучающихся в по направлению подготовки 38.03.01 «Экономика», профиль «Мировая экономика» ( на английском языке).

Учебно-методическое пособие может быть использовано студентами, обучающимися на английском языке по иным направлениям подготовки.

Ответственный за выпуск:

председатель методической комиссии ИЭП ННГУ,

к.э.н., доцент Едемская С.В.

**УДК 340**

**ББК 67.0**

**© Нижегородский государственный   
 университет, 2017**

Ministry of Education and Science of the Russian Federation

State educational institution of higher education

«Lobachevsky State University of Nizhni Novgorod»

**LAW**

Tutorial

Recommended by the Methodical Commission

of the Institute of Economics and Entrepreneurship for International Students, studying at the B.Sc. Programme 38.03.01 “Economics” in English

Nizhni Novgorod

2017

**Contents**

1. The nature of law……………………………………………………..5
2. Introduction to Constitutional law………………………………..…13
3. Introduction to Civil law………………………………………….…23
4. Introduction to Administrative and Criminal law……………….…..31

List of literature……………………………………………………..…..38

1. **The nature of law**

It is well-known that the law is a very important and strong instrument, which is used to regulate social relations and persons behavior. No one can exactly say when and where it emerged. Laws existed in ancient countries thousands years ago. That’s why there are so many theories, which explain the origins of law. The most famous theories are:

* theological,
* psychological,
* contractual,
* the theory of violence,
* marxist theory,
* patriarchal theory,
* etc.

The law is a result of historical development procedure and it covers rules which are norms, regulating human behavior and relationship in societies.

The diversity of theories of the origin of law has led to a significant number of approaches to understanding the law. But within the framework of this book, the following definition will be used as the main: «law is a set of generally binding rules of conduct established or authorized by a state»[[1]](#footnote-1).

«Among the widely accepted characteristics and traits of national law by domestic and foreign authors are the following: a) consistency and regularity; b) normalization; c) mandatory most - state-strong-willed, domineering character; g) the universal validity and accessibility; d) the formal definition; e) a manifestation of the universal scale and equal measure to all individuals; g) the possession of a regulatory nature and h) comprehensive (with the help of state and non-state institutions) security and warranty»[[2]](#footnote-2).

From the legal point of view, law has two functions: regulatory and protective.

Law has its own principles. They can be divided into:

* general,
* multisectoral (multibranch),
* branch,
* principle of law institute.

Law is closely related to economics. Firstly, in Russia there is a system of arbitration courts. Arbitration courts in the Russian Federation administer justice by resolving economic disputes (article 5 of the Federal constitutional law of 28.04.1995 № 1-FKZ «On arbitration courts in the Russian Federation»).

According to the article 27 of the Arbitral Procedural Code of the Russian Federation arbitration courts settle economic disputes and consider other cases involving organizations being legal entities, citizens engaged in entrepreneurial activities without forming a legal entity and having the status of an individual entrepreneur, acquired in accordance with the law (hereinafter - individual entrepreneurs), and in the cases provided by the Arbitral Procedural Code of the Russian Federation and other federal laws, with the participation of the Russian Federation, subjects of the Russian Federation, municipalities, state bodies, local governments, other bodies, officials, entities that do not have the status of a legal entity, and citizens who do not have the status of an individual entrepreneur.

Secondly, nowadays the topic of economic analysis of law is extremely relevant. There are a lot of books and articles dedicated to this question.

Thirdly, there are special branches of law, which regulates relations, closely related to economics, for instance, financial law, banking law, tax law etc.

Law regulates people's behavior through legal norms - law rules. The process of making law rules is called legislation. In Russia lawmaking process falls within the competence ofthe Federal Assembly (the Council of the Federation and the State Duma).

According to the article 105 of the Constitution of the Russian Federation federal laws are adopted by a majority vote of the total number of deputies of the state Duma, unless otherwise provided by the Constitution of the Russian Federation. Federal laws adopted by the state Duma are submitted to the Federation Council within five days. The Federal law is considered to be approved by the Federation Council if more than half of the total number of members of this chamber voted for it or if within fourteen days it was not considered by the Federation Council. If the Federal law is rejected by the Federation Council, the chambers may establish a conciliation Commission to resolve the differences that have arisen, after which the Federal law shall be subject to reconsideration by the state Duma. In case of disagreement of the state Duma with the decision of the Federation Council, the Federal law shall be considered adopted if at repeated voting for it at least two thirds of the total number of deputies of the state Duma voted

The adopted Federal law is sent to the President of the Russian Federation for signature and publication within five days. The President of the Russian Federation within fourteen days signs the Federal law and will publish it. If the President of the Russian Federation within fourteen days from the moment of receipt of the Federal law rejects it, the state Duma and Council of the Federation in the order established by the Constitution of the Russian Federation consider this law again. If at reconsideration the Federal law is approved in earlier accepted edition by the majority not less than two thirds of votes from total members of Council of Federation and deputies of the state Duma, it is subject to signing by the President of the Russian Federation within seven days and to publication (article 107 of the Constitution of the Russian Federation).

Law is contained in the certain sources. The source of law is something (such as a constitution, treaty, statute, or custom) that provides authority for legislation and for judicial decisions; a point of origin for law or legal analysis*.*

Here are the main sources of law, which are used now or were used before:

* legal act (legislation, law, statute) - the act of law-making authority, containing legal norms;
* legal precedent (legal case) – the decision taken in a particular case, which becomes a model for solving such cases in the future;
* legal custom - a practice that by its common adoption and long, unvarying habit has come to have the force of law;
* religious tenets – provisions of beliefs that become the basis for regulation of relations;
* legal doctrine - theses of the works of famous scientists, which are used for legal solution of the dispute;
* law principle. It is used as a source of law when we speak about law analogy. For instance, if it is impossible to use the analogy of the legal act, the rights and obligations of the parties are determined on the general basis and meaning of civil law (analogy of law) and the requirements of good faith, reasonableness and fairness (article 6 of the Civil Code of the Russian Federation);
* legal consciousness - the attitude of people towards the law, based on the knowledge and feelings;
* law-making treaty - agreement of two or more subjects, which contains legal norms;
* etc.

Law is a system of certain elements, such as branches, legal institutes, legal norms.

Branch of law is the body of law that that governs similar relationship. The main branches of law are:

* constitutional law - the branch of law which defines the foundations of constitutional order;
* administrative law - the branch of law which defines the duties and proper running of administrative agencies of government,
* procedural law - the branch of law which defines the rules of civil, administrative or criminal proceedings;
* civil law - the branch of law which regulates private property and non-property rights;
* criminal law – the branch of law that relates to crime and punishment**;**
* labour law - the branch of law which defines the regulation of relationship between the employee and the employer and other aspects of labour.
* family law - the branch of law which defines the regulation of relationship between the members of the family
* etc.

Legal institute is a separate group of legal norms governing similar social relations within one branch of law or at their junction, for example, the institute of private property, the institute of donation etc.

Legal norm is an obligatory rule of conduct, which is adopted by the state and protected by him.

A special branch of law is international law. As it is said in the article 15 of the Constitution of the Russian Federation the universally recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system. If an international Treaty of the Russian Federation establishes rules other than those provided by law, the rules of the international Treaty shall apply.

International law is divided into private and public. International private law regulates private relations. As it is mentioned in the article 1186 of the Civil Code of the Russian Federation the law to be implemented to civil relations, in which foreign citizens or foreign legal entities participate or civil relations with the other foreign element, including cases where the object of civil rights is abroad, shall be determined on the basis of international treaties of the Russian Federation, the Civil Code of the Russian Federation, other laws and customs recognized in the Russian Federation.

International private law regulates relations between public subjects (states, international organizations etc).

Law norms are the obligatory elements of the law system. They can be contained in statutes and subordinate acts.

Statute is a law passed by a legislative body within a special procedure, which has the highest legal force and aimed to regulate the most important relations.

The main features of the statute are:

* is accepted only legislative (representative) public authorities or directly by the people in the order of the referendum;
* has the greatest legal force;
* regulates the most important and fundamental relations.

Subordinate act is a legal act, adopted by the competent authorities and based on the law and not contrary to it.

The main peculiarities of the subordinate act are:

* is issued in accordance with the law;
* regulates specific aspects of relations.

It should be noted that all legal acts are divided according their force. For example, the hierarchy of federal legal acts in Russia is the following:

* the Constitution of the Russian Federation,
* federal constitutional laws,
* federal laws,
* legal acts of the President,
* legal acts of the government,
* legal acts of ministries.

The sources of law forms, together with the legal culture and law realization, form the legal system. Nowadays there are three basic legal systems:

* civil law,
* common law,
* religious law.

Civil law came from the Roman Empire and it is also called Continental, Romano-Germanic.

The main features of civil law are:

* unified hierarchical system of sources of law;
* the main role in formation of law plays a legislator;
* the main source of law is statute,
* law is divided into private and public,
* the presence of codified acts,
* the system of law is divided into the branches.

Common law is the legal system that appeared in England. The other names are Anglo-American, English.

The main peculiarities of the system are:

* the main source of law is the legal precedent,
* legal doctrine also plays important role,
* the leading role in the formation of law (the law) is given to the court;
* the absence of division into branches of law;
* the absence of codified laws;
* the absence of division into private and public law.

Religious law is law, in which the main and most important source is the divine will, expressed in sacred texts or traditions. It covers all aspects of human life, not just legal relations.

The main features of religious law are the following:

* sources of law are the religious and moral norms and values contained in the Qur'an, the Sunnah, the Vedas, the laws of Manu, and so on;
* the close relationship of the legal provisions with religious, philosophical and moral postulates;
* no distinction between private and public law.

The legal system should not be confused with the system of law which is only part of the legal system. The concept of the legal system is often used to describe the legal, historical and ethno-cultural differences between the law of various countries and peoples.

Law regulates so-called legal relations. Each legal relation includes 3 elements:

* subject,
* object,
* content.

Subject is a person, who acts in relations. Object is what relations are aimed at. Content is the set of rights and obligations.

Law should not only regulate relations, but also protect them from illegal conduct. Violation of the law is called offence. All the offences can be divided into two types:

* crime (criminal law),
* misdeeds (civil (civil law), administrative (administrative law), disciplinable (labour law).

The person committed the offence may be prosecuted (be hold liable). Legal liability is the application of coercive measures for the commission of a wrongful act.

Observance of the law rules is an essential condition for the normal development and functioning of modern society. That’s why it is necessary to establish legality and law and order in the modern society. Legality means compliance with the requirements of the law, law and order - such order in social relations, in which behavior is always legally acceptable.

The state, the functioning of which is subject to the standards and fundamental principles of law, is called legal state.

**Questions:**

1. What is law?
2. Give a description of the main law sources.
3. What are the differences between statutes and subordinate acts?
4. Give a description of basic legal systems.
5. Make a report about foreign law systems.

**2. Introduction to Constitutional law**

Constitution is the main source of law.

The constitutions can be classified by various bases: For instance,

1) by form:

a) written (i.e., contained in one or several documents);

b) unwritten (i.e. great part of which is not reflected in official sources);

2) by structure:

a) codified (in the form of a single act);

b) non-codified (constitutional norms are contained in different legal acts (laws).

The current Constitution of the Russian Federation was adopted by national referendum on December 12, 1993. Constitution of the Russian Federation and federal laws shall have supremacy in the whole territory of the Russian Federation. The constitution is divided into two sections. The first section involves nine chapters:

* the fundamentals of the constitutional system,
* rights and liberties of man and citizen,
* the federal structure,
* the President of the Russian Federation,
* the Federal Assembly,
* the Government of the Russian Federation,
* judiciary,
* local self-government,
* constitutional amendments and revisions.

The second section contains concluding and transitional provisions.

According to the Constitution of the Russian Federation the Russian Federation - Russia is a democratic federal law-governed State with a republican form of government. The names "Russian Federation" and "Russia" are equal.

Russia is a federation. It should be noted that there are three main forms of state structure:

* unitary,
* federation (federal state),
* confederation.

Unitary state is a state that is not made up of territorial divisions that are states themselves, they don’t have special status. It is also called simple state.

Federal state is a state, in which the parts of it can be consider as state entities, that have certain autonomy.

Confederation is a league or union of independent states or nations for certain purposes.

According to the article 5 of the Constitution o the Russian Federation the Russian Federation consists of republics, territories, regions, cities of federal significance, autonomous oblast, autonomous districts - equal subjects of the Russian Federation. The Republic (state) has its own Constitution and legislation. The region, the region, the city of Federal importance, the autonomous region, the autonomous district has its own charter and legislation. The federal structure of the Russian Federation is based on its state integrity, the unity of the system of state power, the division of powers between the bodies of state power of the Russian Federation and the bodies of state power of the subjects of the Russian Federation, equality and self-determination of peoples in the Russian Federation. In relations with federal bodies of state power of subjects of the Russian Federation are equal.

The sovereignty of the Russian Federation extends over all of its territory (article 4 of the Constitution o the Russian Federation the Russian Federation).

The Constitution of the Russian Federation does not allow for any carrier of sovereignty and source of power other than the multinational people of Russia, and therefore does not imply any state sovereignty other than the sovereignty of the Russian Federation. The sovereignty of the Russian Federation, due to the Constitution of the Russian Federation, excludes the existence of two levels of sovereign authorities in a single system of state power that would have supremacy and independence, i.e. does not allow the sovereignty of any republics or other subjects of the Russian Federation (The decision of the constitutional Court of the Russian Federation dated 07.06.2000 № 10-P).

According to the article 11 of the Constitution o the Russian Federation the Russian Federation state power in the Russian Federation is exercised by the President of the Russian Federation, the Federal Assembly (the Federation Council and the state Duma), the Government of the Russian Federation, and the courts of the Russian Federation. State power in the constituent entities of the Russian Federation is exercised by the bodies of state power they form. Separation of subjects of maintaining and powers between public authorities of the Russian Federation and public authorities of subjects of the Russian Federation is performed by this Constitution, Federal and other agreements on differentiation of subjects of maintaining and powers.

As it is said in the article 71 of the Constitution o the Russian Federation the jurisdiction of the Russian Federation includes:

a) adoption and amending of the Constitution of the Russian Federation and federal laws, control over their observance;

b) federal structure and the territory of the Russian Federation;

c) regulation and protection of the rights and freedoms of man and citizen; citizenship in the Russian Federation, regulation and protection of the rights of national minorities;

d) establishment of the system of federal legislative, executive and judicial bodies, the rules for their organisation and activities, formation of federal bodies of state authority;

e) federal state property and its management;

f) establishment of the principles of federal policy and federal programmes in the sphere of state, economic, ecological, social, cultural and national development of the Russian Federation;

g) establishment of the legal basis for a single market; financial, currency, credit, and customs regulation, money issue, the principles of pricing policy; federal economic services, including federal banks;

h) federal budget, federal taxes and dues, federal regional development funds;

i) federal power systems, nuclear power-engineering, fissionable materials, federal transport, railways, information and communication, outer space activities;

j) foreign policy and international relations of the Russian Federation, international treaties and agreements of the Russian Federation, issues of war and peace;

k) foreign economic relations of the Russian Federation;

l) defence and security; military production; determination of rules of selling and purchasing weapons, ammunition, military equipment and other military property; production of poisonous substances, narcotic substances and rules for their use;

m) determination of the status and protection of the state border, territorial sea, air space, exclusive economic zone and continental shelf of the Russian Federation;

n) judicial system, procurator's office, criminal, criminal procedural and penal legislation, amnesty and pardoning, civil, civil procedural and arbitration procedural legislation, legal regulation of intellectual property;

o) federal law of conflict of laws;

p) meteorological service, standards, metric system, horometry, geodesy and cartography, names of geographical units, official statistics and accounting;

q) state awards and honourary titles of the Russian Federation;

r) federal state service.

 The joint responsibility of the Russian Federation and the constituent entities of the Russian Federation includes:

a) providing for the correspondence of the constitutions and laws of the republics, the charters and other normative legal acts of the territories, regions, cities of federal importance, autonomous region or autonomous areas to the Constitution of the Russian Federation and federal laws;

b) protection of the rights and freedoms of man and citizen; protection of the rights of national minorities; ensuring the rule of law, law and order, public security and the border zone regime;

c) issues of possession, use and disposal of land, subsoil, water and other natural resources;

d) delimitation of state property;

e) utilization of natural resources, protection of the environment and ensuring ecological safety; specially protected natural territories, protection of historical and cultural monuments;

f) general questions of upbringing, education, science, culture, physical culture and sports;

g) coordination of issues of health care; protection of the family, maternity, paternity and childhood; social protection, including social security;

h) carrying out measures against catastrophes, natural calamities, epidemics, elimination of their aftermath;

i) establishment of common principles of taxation and dues in the Russian Federation;

j) administrative, administrative procedural, labour, family, housing, land, water, and forest legislation; legislation on subsoil and environmental protection;

k) personnel of the judicial and law enforcement agencies; the Bar, notary offices;

l) protection of the traditional habitat and way of life of small ethnic communities;

m) establishment of common principles of organization of the system of bodies of state authority and local self-government;

n) coordination of international and foreign economic relations of the subjects of the Russian Federation, fulfillment of international treaties and agreements of the Russian Federation (article 72 of the Constitution o the Russian Federation).

Outside the exclusive and joint responsibility of the Russian Federation, the constituent entities of the Russian Federation have full state authority (article 73 of the Constitution o the Russian Federation).

The rights and freedoms of man and citizen are recognized and guaranteed in the Russian Federation in accordance with generally accepted principles and norms of international law and in accordance with the Constitution of the Russian Federation. Fundamental human rights and freedoms are inalienable and belong to everyone from birth. Realization of human and civil rights and freedoms must not violate the rights and freedoms of others (article 17 of the Constitution o the Russian Federation).

The Russian Federation is a state with a republican form of government. Nowadays there are two main forms of government:

* monarchy,
* republic.

Monarchy is a government or state headed by a king. It is called absolute if there is no limitation on the monarch’s power or constitutional (or limited) when there is such special limitation.

Republic is a system of government in which the people directly elect the highest bodies of state or they are formed by special representative bodies.

The head of the state is the President of the Russian Federation is the head of the state.

The President of the Russian Federation is the guarantor of the Constitution of the Russian Federation, of the rights and freedoms of man and citizen. The President of the Russian Federation, in accordance with the Constitution of the Russian Federation and federal laws, determines the main directions of the domestic and foreign policy of the state (article 80 of the Constitution of the Russian Federation).

The President of the Russian Federation is elected for a term of six years by citizens of the Russian Federation (article 81 of the Constitution of the Russian Federation).

In accordance with the article 83 of the Constitution of the Russian Federation the President of the Russian Federation

a) appoints the Chairman of the Government of the Russian Federation with the consent оf the State Duma;

b) has the right to preside at meetings of the Government of the Russian Federation;

с) makes the decision on resignation of the Government of the Russian Federation;

d) submits to the State Duma the candidate for appointment to the position of the Chairman of the Central Bank of the Russian Federation; raises the question of removing from the position of the Chairman of the Central Bank of the Russian Federation to the State Duma;

e) on the proposal of the Prime Minister of the Russian Federation, appoints and relieves from office Deputy Prime Ministers of the Russian Federation, Federal Ministers;

e) submit to the Council of the Federation candidates for appointment to the post of judges of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation; appoints judges of other federal courts;

e. 1) submits to the Council of the Federation candidates for appointment to the post of Prosecutor General of the Russian Federation and deputies of the Prosecutor General of the Russian Federation; submits to the Federation Council proposals for the dismissal of the General Prosecutor of the Russian Federation and deputies of the General Prosecutor of the Russian Federation; appoints and dismisses prosecutors of constituent entities of the Russian Federation, as well as other prosecutors, except for public prosecutors of cities, districts and equivalent prosecutors ;

e. 2) appoints and releases representatives of the Russian Federation in the Council of the Federation;

g) forms and heads the Security Council of the Russian Federation, the status of which is determined by federal law;

h) approves the military doctrine of the Russian Federation;

i) forms administration of the President of the Russian Federation;

k) appoint and dismiss Plenipotentiary representatives of the President of the Russian Federation;

l) appoints and releases the highest command of the Armed Forces of the Russian Federation;

m) appoints and withdraws diplomatic representatives of the Russian Federation in foreign states and international organizations after consultations with the relevant committees or commissions of chambers of the Federal Assembly.

The system of government is based on the principle of the separation of powers.

The parliament of Russia is called the Federal Assembly. It is a representative and legislative body of the Russian Federation. The Federal Assembly involves two chambers - the Council of the Federation and the State Duma. The Council of the Federation includes two representatives from each subject of the Russian Federation: one from the legislative and one from the executive body of state authority. The number of deputies in the State Duma is 450. It is elected for a term of five years.

The jurisdiction of the Council of the Federation includes:

a) approval of changes of borders between the subjects of the Russian Federation;

b) approval of a decree of the President of the Russian Federation on the introduction of martial law;

c) approval of a decree of the President of the Russian Federation on the introduction of a state of emergency;

d) the solution of the question of possibility of the possibility of using the Armed Forces of the Russian Federation outside the territory of the Russian Federation;

e) appointment of elections of the President of the Russian Federation;

f) impeachment of the President of the Russian Federation;

g) appointment of judges of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation;

h) appointment and dismissal of the General Prosecutor of the Russian Federation and his deputies;

i) appointment and dismissal of Deputy Chairman and half of the auditors of the Accounts Chamber.

The State Duma is responsible for:

a) giving consent to the appointment of the Chairman of the Government of the Russian Federation, which is made by the President of the Russian Federation;

b) resolution of the issue of trust to the Government of the Russian Federation;

c) hearing of annual reports of the Government of the Russian Federation on the results of its activity, including issues raised by the State Duma;

d) appointment and dismissal of the Chairman of the Central Bank of the Russian Federation;

e) appointment and dismissal of the Chairman and half of the auditors of the Accounts Chamber;

f) appointment and dismissal of the Commissioner for human rights, who acts according to the federal constitutional law;

g) proclamation of amnesty;

h) bringing charges against the President of the Russian Federation for his impeachment (article 103 of the Constitution of the Russian Federation).

The Government of the Russian Federationexercises executive power in Russia. It includes the chairman of the government of the Russian Federation (prime minister), deputy prime ministers and federal ministers. The Prime minister is appointed by the President of the Russian Federation with the consent of the State Duma.

According to the article 114 of the Constitution of the Russian Federation the Government:

* develops and submits to the state Duma the Federal budget and provides its execution; submits to the state Duma the report on execution of the Federal budget; submits to the state Duma annual reports on results of the activity, including on the questions put by the State Duma;
* provides carrying out in the Russian Federation uniform financial, credit and monetary policy;
* provides carrying out in the Russian Federation uniform state policy in the field of culture, science, education, health care, social security, ecology;
* manages federal property;
* implements measures to ensure the country's defense, state security, and implementation of the foreign policy of the Russian Federation;;
* implements measures to ensure the legality, rights and freedoms of citizens, protection of property and public order, fight crime;
* exercise other powers given him by the Constitution of the Russian Federation, the federal laws and decrees of the President of the Russian Federation.

 Justice in the Russian Federation is administered by courts alone. The judicial system of the Russian Federation is established by the Constitution of the Russian Federation and the Federal constitutional law. The establishment of extraordinary courts is not permitted (article 118 of the Constitution of the Russian Federation).

Russian court system consists of constitutional, ordinary, and commercial (arbitral) courts.

The ordinary courts are responsible for civil and criminal cases. Commercial courts are responsible for economic disputes arising between legal entities, individual entrepreneurs, public authorities etc.

It should be noted that in the Russian Federation there is also a system of local self-government. Local self-government in the Russian Federation provides the population with an independent solution to issues of local importance, ownership, use and disposal of municipal property(article 131 of the Constitution of the Russian Federation).

**Questions:**

1. Give a description of the types of constitutions with your examples.
2. Compare the Constitution of the Russian Federation with the Constitutions of the other countries.
3. What are the differences between the forms of government?
4. Compare the system of public authorities in the Russian Federation and in the other countries.
5. Explain the meaning of the principle of the separation of powers.
6. **Introduction to Civil law**

As it is said it the article 2 of the Civil Code of the Russian Federation civil law defines the legal status of participants in civil turnover, the grounds for the emergence and implementation of right of ownership and other propriety rights, rights to the results of intellectual activity and equated to them means of individualization (intellectual property rights), regulates relations related to participation or management of corporate organizations (corporate relations), contractual and other obligations, as well as other property and personal non-property relations based on equality, autonomy of will and property independence of participants.

Russian civil law is regulated by the Civil Code of the Russian Federation. The Civil Code of the Russian Federation came into force in four parts:

* the first part – general provisions, the right of ownership and the other rights of estate, law of obligation,
* the second part – particular kinds of obligations,
* the third part – inheritance law, international private law,
* the fourth part - intellectual property law.

Civil legal relationship - relationship, which is regulated by the civil law norms, arising between legally equal subjects concerning property, and intangible benefits, reflected in their subjective rights and duties.

The civil legislation is based on the recognition of the equality of participants in the relations regulated by it, the inviolability of property, freedom of contract, the inadmissibility of arbitrary interference in private affairs, the need for unhindered exercise of civil rights, ensuring the restoration of violated rights, their judicial protection (article 1 of the Civil Code of the Russian Federation).

Elements of civil matters include:

* the subjects of relations;
* the objects of relations
* the content of legal relations (rights and duties of subjects).

The subjects of civil relations are:

* natural person,
* legal entity,
* the Russian Federation,
* subjects of the Russian Federation,
* the municipal entities.

Civil rights and obligations arise from the grounds provided by law and other legal acts, as well as from the actions of citizens and legal entities, which, although not provided by law or such acts, but due to the general basis and meaning of civil law give rise to civil rights and obligations (article 8 of the Civil Code of the Russian Federation). They can appear:

1) from contracts and other deals provided by law, as well as from contracts and other deals, although not provided by law, but not contradicting it;

1.1) from the decisions of the meeting in cases provided by law;

2) from acts of state bodies and local self-government bodies which are provided by the law as the basis of emergence of civil rights and duties;

3) from court decisions which establish civil rights and obligations;

4) as a result of acquisition of property on the grounds permitted by law;

5) as a result of creation of works of science, literature, art, inventions and other results of intellectual activity;

6) as a result of causing harm to another person;

7) due to improper enrichment;

8) due to other actions of citizens and legal entities;

9) due to the events with which the law or other legal act relates the occurrence of civil consequences.

The ability to have civil rights and bear duties (civil legal capacity) is recognized equally for all citizens. The legal capacity of a citizen arises at the time of his birth and ceases with his death. (article 17 of the Civil Code of the Russian Federation).

The ability for the realization of rights is called full legal capacity, but it includes also discharging obligations.

The ability of a citizen to acquire and exercise civil rights by his own actions, to create for civil obligations and to perform them (civil capacity) arises in full with the coming of age of majority, that is, the age of eighteen (article 21 of the Civil Code of the Russian Federation).

A legal entity is an organization that has separate property and is responsible for its obligations, can acquire and exercise civil rights and bear civil obligations on its behalf, be a plaintiff and a defendant in court (article 48 of the Civil Code of the Russian Federation).

All the legal entities can be divided into two groups:

* commercial - chief goal of their activity is to make profit, for example, general partnership, limited liability company, joint-stock company etc,
* noncommercial - organizations, which do not see deriving profits as such a goal and which do not distribute the derived profit among their participants, such as: funds, institutions, consumer cooperatives etc.

The objects of civil relations are:

* items, including cash and certificated securities,
* the other property, including non-cash money, uncertificated securities, property rights;
* the results of works and services;
* the intellectual property;
* non-material benefits.

Objects of civil rights may be freely alienated or transferred from one person to another in the order of universal succession (inheritance, reorganization of a legal entity) or otherwise, if they are not limited in circulation (article 129 of the Civil Code of the Russian Federation).

It is well-known that the right of ownership is very important. In the Russian Federation, there are the following forms of ownership:

* private,
* state,
* municipal,
* other forms of ownership.

Grounds for acquisition of the ownership right:

* creation,
* processing,
* turning into the ownership of the objects, generally available for collection,
* unauthorized structure,
* find,
* treasure,
* etc.

The owner has the right to own, use and dispose of their property. The owner bears the burden of maintaining the property belonging to him, unless otherwise provided by law or contract (article 210 of the Civil Code of the Russian Federation). The risk of accidental loss or damage to property is borne by its owner, unless otherwise provided by law or contract (article 211 of the Civil Code of the Russian Federation).

Property can be individual or common (when there are twp or more owners). Common property can be shared or joint.

Common property is considered to be shared, except special cases, for example, property of spouses.

The property right is terminated upon alienation by the owner of his property to other persons, the refusal of the owner of the property right, the death or destruction of property and the loss of ownership of the property in other cases provided for by law (article 235 of the Civil Code of the Russian Federation).

In addition to the right of ownership, there are also the following propriety rights:

* the right of the inherited life possession of the land plot,
* the right of the permanent (perpetual) use of the land plot,
* the servitudes,
* the right of the economic management of the property,
* the right of the operation management of the property.

Law of obligations is also a very important part of the civil law.

By force of the obligation, one person (debtor) is obliged to perform in favor of another person (creditor) a certain action, such as: transfer the property, perform work, provide a service, contribute to joint activities, pay money, etc., or refrain from a certain action, and the creditor has the right to require the debtor to perform its duties. Upon establishment, performance of the obligation and after its termination, the parties shall act in good faith, taking into account the rights and legitimate interests of each other, mutually providing the necessary assistance to achieve the purpose of the obligation, as well as providing each other with the necessary information (article 307 of the Civil Code of the Russian Federation).

The obligations must be performed properly in accordance with the terms of the obligation and the requirements of the law, other legal acts, and in the absence of such conditions and requirements - in accordance with customs or other usual requirements (article 309 of the Civil Code of the Russian Federation).

There are some ways of providing for the discharge of obligations (guarantees):

* the forfeit,
* the pledge,
* the retention of the debtor's property,
* the surety,
* the independent guarantee,
* the deposit (advance),
* the other ways, stipulated by the law or by the agreement (for example, security deposit).

Contract law is closely connected with the law of obligations.

The contract shall be recognized as the agreement, concluded by two or by several persons on the institution, modification or termination of the civil rights and duties.

According to the Civil code of Russiatoward the contracts shall be applied the rules on bilateral and multilateral deals.

Deals are actions of citizens and legal persons aimed at establishing, changing or termination of civil rights and duties. The deals can be:

* bilateral – for its performance it is necessary and sufficient to express the will of two parties (sell of goods**)**,
* multilateral - for its performance the expression of the agreed will of more than two parties shall be required,
* unilateral - for its performance in conformity with the law, with the other legal acts or with the agreement between the parties, it is necessary and sufficient to express the will of one party (will (testament), power of attorney).

For the conclusion of the agreement it is necessary to comply with the following conditions:

* civil capacity of contracting parties,
* the presence of will to conclude a contract,
* compliance with the law,
* observance of the form,
* the presence of all the essential terms of the contract,
* the observance of the procedure of conclusion of the contract.

The conclusion of contract includes the submission of an offer and getting an acceptance.

An offer is a proposal to make a deal.

Advertising and other offers addressed to an indefinite number of persons shall be considered as an invitation to make offers, unless otherwise expressly stated in the offer. Offer, containing all the essential terms of the contract proposal, from which the will of the person making the proposal to conclude a contract on the conditions specified in the proposal with anyone who responds is seen, is recognized offer (public offer) (article 437 of the Civil Code of the Russian Federation).

Acceptance is the answer of the person to whom the offer is addressed to accept it. Acceptance must be complete and unconditional. (article 438 of the Civil Code of the Russian Federation).

The forms of acceptance are the following:

* direct approval,
* tacit actions,
* silence.

Contracts can be:

* verbal (contracts of retail sale) and written (simple (delivery of goods) or notarial (the alienation by the former partner of share in the capital of limited liability company),
* the pecuniary (contract of retail sale) and the gratuitous contracts (gratuitous use),
* the unilaterally obliging contracts (donation) and bilateral obliging contracts (lease),
* the public contract,
* the contract of affiliation,
* the preliminary contract,
* the contract in favour of the third person,
* etc.

The contract can be changed or cancelled only by the agreement between the parties, unless otherwise stipulated by the civil legislation. An agreement to modify or terminate a contract must be made in the same form as a contract, unless otherwise provided by law, other legal acts, contract or customs. It is necessary to send a special requirement to the other party. The requirement to change or terminate the contract may be declared by a party to the court only after the refusal of the other party to change or terminate the contract or failure to receive a response within the period specified in the proposal or established by law or the contract, and in its absence - within thirty days.

If only one party want to do it, the contract may be amended or cancelled by the court decision only:

* in case of an essential violation of the contract by the other party;
* in case of an essential change of the circumstances.

**Questions**

* 1. What is legal entity ?
  2. Make a report about foreign legal entities.
  3. What are the ways of providing for the discharge of obligations?
  4. What are the forms of acceptance?
  5. What is obligation?

1. **Introduction to Administrative and Criminal Law**

Administrative law - the branch of law which defines the duties and proper running of administrative agencies of government. Such relations are regulated by the Code of administrative offences of the Russian Federation.

The aims of the legislation on administrative offences are the protection of the person, protection of human and civil rights and freedoms, protection of public health, sanitary and epidemiological welfare of the population, protection of public morals, protection of the environment, the established procedure for the exercise of state power, public order and public safety, property, protection of the legitimate economic interests of individuals and legal entities, society and the state from administrative offenses, as well as prevention of administrative offenses (article 1.2 of the Code of administrative offences of the Russian Federation).

The legislation on administrative offenses consists of the Code of administrative offences of the Russian Federation and the laws of subjects of the Russian Federation on administrative offenses adopted in accordance with it.

The Code of administrative offences of the Russian Federation consists of two parts:

* general,
* special.

General part contains legal norms, which regulate the aims and principles of administrative legislation, administrative offences, administrative liability, administrative penalties etc.

Special part is a system of legal norms, which describes the features of specific administrative offenses and penalties.

Administrative offense is wrongful guilty action (inaction) of a natural or legal person which is punishable under the Code of administrative offences of the Russian Federation.

The subjects of administrative liability are;

* natural persons,
* officials,
* legal entities.

Аs a rule, a natural person is subject to liability if he has reached by the moment of committing an administrative offence the age of sixteen years.

A person can commit an offence willfully or carelessly.

An administrative offense is considered to be committed willfully if the person who committed it, was aware of the illegal nature of his action (failure to act), foresaw its harmful consequences and wanted such consequences or deliberately allowed or treated them indifferently. An administrative offense is considered to be committed carelessly if the person who committed it foresaw the possibility of occurrence of harmful consequences of his action (inaction), but without sufficient grounds presumptively counted on the prevention of such consequences or did not foresee the possibility of occurrence of such consequences, although he should and could foresee them (article 2.2 of the Code of administrative offences of the Russian Federation).

A legal person is guilty of an administrative offense if it is established that he had the ability to comply with rules and regulations, for violation of which the Code of administrative offences of the Russian Federation or laws of subjects of the Russian Federation provide administrative responsibility, but the person has not taken all the measures to comply with them (article 2.1 of the Code of administrative offences of the Russian Federation).

An administrative penalty is measure of responsibility for committing an administrative offence, which is set by the state and is applied in order to prevent the commission of new offences by the offender and other persons (article 3.1 of the Code of administrative offences of the Russian Federation).

The types of administrative penalties are the following:

* warning,
* administrative fine,
* confiscation of the instrument or the object of an administrative offence,
* deprivation of a special right granted to a natural person,
* administrative arrest,
* administrative deportation from the Russian Federation of a foreign citizen or a stateless person,
* disqualification,
* administrative suspension of the activity,
* compulsory community service,
* administrative ban on visiting to places of official sporting events in the days of their conduct.

Criminal law - the branch of law that relates to crime and punishment.

The criminal legislation of the Russian Federation consists of the Criminal Code of the Russian Federation. The new laws providing criminal responsibility must be enabled to the Criminal Code of the Russian Federation. It consists of two parts:

* general part,
* special part.

General part contains legal norms, which regulate the basic principles, concepts and institutions of criminal law, as well as the basic provisions governing grounds and limits of criminal liability and punishment, the procedure and conditions for exemption from punishment.

Special part is a system of legal norms, which describes the features of specific crimes (offenses) and penalties.

This sphere is regulated by the Criminal code of the Russian Federation. The tasks of the Criminal Code of the Russian Federation are:

* the protection of the rights and freedoms of man and citizen, property, public order and public security, the environment, and the constitutional system of the Russian Federation against criminal encroachment,
* the maintenance of peace and security of mankind,
* prevention of crimes.

A crime is a guilty committed socially dangerous act prohibited by the Criminal Code of the Russian Federation under threat of punishment. An act can not be considered a crime if it formally contains signs of an act, envisaged in the Criminal Code of the Russian Federation, but because of its insignificance does not pose public threat.

There are the following features of crime:

* social danger,
* act (action or inaction),
* wrongfulness,
* culpability,
* punishability.

The crime consists of four elements:

* object (relations upon which damage is inflicted),
* subject (someone, who commits a crime),
* objective element (action or inaction, effect, causal connection, the other aspects of committing a crime),
* subjective aspect (willful fault or negligence, motive, purpose) .

Depending on the nature and degree of social danger, the deeds provided for by the Criminal code of the Russian Federation shall be divided into crimes of little gravity, crimes of average gravity, grave crimes, and especially grave crimes (article 15 of Criminal Code of the Russian Federation).

Willful or careless acts for which the maximum punishment provided by the Criminal code of the Russian Federation does not exceed three years of imprisonment are recognized as crimes of little gravity.

The crimes of average gravity are willful acts for committing which the maximal punishment provided by the Criminal code of the Russian Federation, shall not exceed five years of imprisonment, and careless acts for committing which the maximum punishment provided by the Criminal code of the Russian Federation exceeds three years of imprisonment.

Grave crimes are willful acts for committing which the maximal punishment provided by the Criminal code of the Russian Federation exceeds ten years of imprisonment.

Especially grave crimes are willful acts for committing which the Criminal code of the Russian Federation stipulates punishment in the form of imprisonment for a term exceeding ten years or a more severe punishment.

An act committed with direct or indirect will shall be deemed to be a crime committed willfully. The crime is considered to be committed with direct will, if the person was aware of the public danger of their actions (inaction), foresaw the possibility or inevitable occurrence of socially dangerous consequences and wished them to occur. The crime is considered to be committed with indirect will, if the person was aware of the public danger of their actions (inaction), foresaw the possibility of socially dangerous consequences, did not want, but consciously allowed these consequences or treated them indifferently (article 25 of Criminal Code of the Russian Federation).

A crime committed by careless is an act committed by thoughtlessness or negligence. A crime is considered committed by levity if the person foresaw the possibility of socially dangerous consequences of his actions (inaction), but without sufficient grounds confidently counted on prevention of these consequences. The crime is considered to be committed negligently, if the person did not foresee the possibility of occurrence of socially dangerous consequences of their actions (inaction), although with the necessary care and foresight was and could foresee these consequences (article 26 of Criminal Code of the Russian Federation).

The subject to criminal liability is only a natural person, not legal entity, who is sane and has attained the age established by the Criminal code of the Russian Federation. As a rule criminal liability can be imposed on a person who has reached the age of sixteen by the time of the commission of the crime.

Punishment is a measure of state coercion imposed by a court decision. The penalty shall be imposed on a person found guilty of an offence and shall be the deprivation or restriction of that person's rights and freedoms provided for in the Criminal code of the Russian Federation. The punishment is used to restore social justice, as well as to correct the convicted person and prevent the commission of new crimes (article 43 of Criminal Code of the Russian Federation).

The following types of penalties are mentioned in the Criminal code of the Russian Federation:

* fines,
* disqualification to hold certain positions or to practice activities,
* deprivation of a special or military rank or honourary title, class rank or government decoration,
* compulsory works,
* corrective labour,
* restriction of military service,
* restriction of liberty,
* compulsory labour,
* arrest,
* confinement in disciplinary military unit,
* deprivation of freedom for determined period,
* life imprisonment,
* death penalty.

The Criminal Code of the Russian Federation provides for the other measures of criminal nature. They are:

* coercive measures of a medical nature,
* confiscation,
* court fine.

**Questions**

1. What are the differences between administrative offense and crime?
2. What are the types of administrative penalties?
3. What are the types of criminal penalties?
4. Make a report about administrative law in foreign countries.
5. Make a report about criminal law in foreign countries.

**List of literature**

**Main Literature:**

1. The Constitution of the Russian Federation dated 12.12.1993
2. The Arbitral Procedural Code of the Russian Federation dated 24.07.2002
3. The Civil Code of the Russian Federation in four parts dated 30.11.1994, 26.01.1996, 26.11.2001, 18.12.2006
4. The Code of administrative offences of the Russian Federation dated 30.12.2001
5. The Criminal Code of the Russian Federation dated 13.06.1996
6. Federal constitutional law of 28.04.1995 № 1-FKZ «On arbitration courts in the Russian Federation»
7. Марченко М.Н. Теория государства и права: учебник. - 2-е изд., перераб. и доп. - М.: Проспект, 2016//СПС Гарант
8. Шкатулла В.В., Надвикова В.В. Правоведение: учебник для студентов учреждений высшего профессионального образования (бакалавриат). - Специально для системы ГАРАНТ, 2016

**Additional literature:**

1. Resolution adopted by the General Assembly Online resource] dated 18.12.2007 – URL: United Nations – official site / http://www.un.org/en/ga/search/view\_doc.asp?symbol=A/RES/62/149&Lang=E
2. Black's Law Dictionary/ Bryan A. Garner – 9 th ed. **(**Thomson Reuters**),** 2009
3. Law & economics / Robert Cooter, Thomas Ulen.- 5th ed. - (The Addison-Wesley series in economics), 2007
4. Oran, Daniel. Oran’s Dictionary of the Law / Daniel Oran.-3rd ed. (West Legal Studies Thomson Learning), 2000
5. Oxford dictionary of law / Martin A.E. – 5th ed. (Oxford University Press), 2003
6. Webster’s new twentieth century dictionary of the English language/ McKechnie J.L. – 2nd ed. (William Collins Publishers), 1979
7. Zane J.M., The Story of Law, 2nd ed., Introduction by James M. Beck. New Foreword, Annotations, and Bibliographies by Charles J. Reid, Jr. (Indianapolis: Liberty Fund 1998). 08.08.2014. URL http://oll.libertyfund.org/titles/680

1. Шкатулла В.В., Надвикова В.В. Правоведение: учебник для студентов учреждений высшего профессионального образования (бакалавриат). - Специально для системы ГАРАНТ, 2016 [↑](#footnote-ref-1)
2. Марченко М.Н. Теория государства и права: учебник. - 2-е изд., перераб. и доп. - М.: Проспект, 2016//СПС Гарант [↑](#footnote-ref-2)