

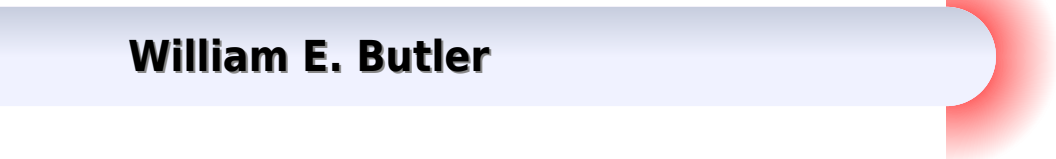
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Butler, 2020-09-03 This addition to the Elements of International Law series explores the role of international law as an integral part of the Russian legal system with particular reference to the role of international treaties and of generally recognized principles and norms of international law Following a discussion of the historical place of treaties in Russian legal history and the sources of the Russian law of treaties the book strikes new ground in exploring contemporary treaty making in the Russian Federation by drawing upon sources not believed to have been previously used in Russian or western doctrinal writings Special attention is devoted to investment protection treaties The importance of publishing treaties as a condition of their application by Russian courts is explored For the first time a detailed account is given of the constitutional history of treaty ratification in Russia the outcome being that present constitutional practice is inconsistent with the drafting history of the relevant constitutional provisions The volume gives attention to the role of the Russian Supreme Court in developing treaty practice through the issuance of guiding documents binding on lower courts the reaction of the Russian Constitutional Court to judgments of the European Court of Human Rights and the place of treaties as an integral part of the Russian legal system Butler further explores the hierarchy of sources of law together with other facets of Russian arbitral and judicial

practice with respect to treaties and other sources of international law He concludes with a consideration of the generally recognized principles and norms of international law and their role as part of the Russian system **Soviet Legal Theory** Rudolf Schlesinger,1998 First Published in 1998 Routledge is an imprint of Taylor Francis an informa company **Russian Approaches to International Law** Lauri Mälksoo,2015-03-06 This book addresses a simple question how do Russians understand international law Is it the same understanding as in the West or is it in some ways different and if so why It answers these questions by drawing on from three different yet closely interconnected perspectives history theory and recent state practice The work uses comparative international law as starting point and argues that in order to understand post Soviet Russia s state and scholarly approaches to international law one should take into account the history of ideas in Russia To an extent Russian understandings of international law differ from what is considered the mainstream in the West One specific feature of this book is that it goes inside the language of international law as it is spoken and discussed in post Soviet Russia especially the scholarly literature in the Russian language and relates this literature to the history of international law as discipline in Russia Recent state practice such as the annexation of Crimea in 2014 Russia s record in the UN Security Council the jurisprudence of the European Court of Human Rights prominent cases in investor state arbitration and the creation of the Eurasian Economic Union are laid out and discussed in the context of increasingly popular civilizational ideas the claim that Russia is a unique civilization and therefore not part of the West The implications of this claim for the future of international law its universality and regionalism are discussed **The Operation of International Law in the Russian Legal System** Sergey Yu. Marochkin,2018-12-24 This book addresses the increased role and standing of international law in the Russian legal system through analysis of judicial practice since the adoption of the Russian Constitution in 1993 The issue of interaction and hierarchy between international and domestic law within the Russian Federation is studied combining theoretical legal and institutional elements Sergey Marochkin explores how methods for incorporating and implementing international law or reasons for failing to do so have changed over time influenced by internal and global policy The final sections of the book are the most illustrative examining how the rule of law remains subordinate to the rule of politics both at the domestic and global level **The Oxford Handbook of the Theory of International Law** Anne Orford,Florian Hoffmann,Martin Clark,2016 Histories Approaches Regimes and doctrines Debates **Soviet Legal Theory** **Its 273** Rudolf Schlesinger,2014-10-03 First Published in 1998 This is Volume VII of eight in the Sociology of the Soviet Union series Written in 1945 this is a a study about the social background and development of Soviet Legal theory and deals with Soviet conceptions of Law Law in the USSR is not an isolated systems of values and norms but can be seen as an agent in social life as it regarded as an expression of social conditions and social needs being more sociological than legal **Law and Legal System of the Russian Federation - Sixth Edition** Peter B. Maggs,Olga Schwartz,William Burnham,2015-01-01 This book is a detailed treatment of the Russian legal system written especially for English speaking

law students and lawyers While it is designed primarily as a casebook extended discussions of the law numerous citations to original Russian sources and detailed suggestions for finding these sources on the Internet also make it useful as a reference for scholars specializing in Russian studies and for lawyers who know Russian but not Russian law The authors have decades of experience following the Russian legal system with one concentrating on human rights court procedure and criminal law and procedure the other on civil commercial and tax law Chapters cover key aspects of the Russian legal system including sources of law the judicial system the legal profession constitutional law individual rights civil and commercial law civil procedure private international law foreign investment law criminal procedure administrative law and tax law The book covers major changes in Russian law since the previous edition was published including more reliance on judicial precedent increasing the independence of criminal investigators from prosecutors dealing with abuse of the legal system by corrupt officials to steal businesses from their rightful owners and closing loopholes in the tax system The new edition also chronicles the continuing struggle of the European Court of Human Rights and activist Russian lawyers to push Russian law toward international standards

Formalism, Decisionism and Conservatism in Russian Law Mikhail Antonov, 2020-11-09 This volume examines the elements of formalism and decisionism in Russian legal thinking and also the impact of conservatism on the interplay of these elements The actual conservative narratives about the distinctiveness of Russian law reveal certain features of the intellectual culture that is transmitted in legal education scholarship and practice These narratives are based on the idea of sovereignty understood as legal omnipotence of the state References to sovereignty justify the requirement of legality in the sense of fidelity to the letter of the law They also often serve as a rationale for crafting exceptions to constitutional non discrimination principles as they are applied to political religious sexual and other minorities

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Russian Legal Culture Before and After Communism Frances Nethercott, 2007-12-03 Following the emancipation of the serfs in 1861 and again during the 1990s individual legal rights occupied a central place in the drive to modernize criminal justice This book explores these debates focusing particularly on the work of Vladimir Solov'ev a leading philosopher of law writing in the 1890s

Constitutional Dialogues in Comparative Perspective S. Kenney, W. Reisinger, J. Reitz, 1999-01-28 From Russia and Hungary to the United States and Canada including Britain France and Germany courts are increasingly recognised as political institutions that are important players in political systems In addition transnational courts such as the European Court of Justice and European Court of Human Rights are extending their reach and affecting more than ever the politics of member states The book contains essays written by scholars of law and political science exploring in interdisciplinary fashion the relationship between law and politics in cross national perspective focusing

principally on contemporary Europe

The Development of a Russian Legal Consciousness Richard S.

Wortman, 2011-03-15 Until the nineteenth century the Russian legal system was subject to an administrative hierarchy headed by the tsar and the courts were expected to enforce not interpret the law Richard S Wortman here traces the first professional class of legal experts who emerged during the reign of Nicholas I 1826-56 and who began to view the law as a uniquely modern and independent source of authority Discussing how new legal institutions fit into the traditional system of tsarist rule Wortman analyzes how conflict arose from the same intellectual processes that produced legal reform He ultimately demonstrates how the stage was set for later events as the autocracy and judiciary pursued contradictory and mutually destructive goals *Russia, Europe, and the Rule of Law* Ferdinand J.M. Feldbrugge, 2007-03-31 During the last two decades Russia has gone through a process of radical political and socio economic transformation The legal system has reflected the various stages of this process and has also been a major agent in moving it forward The country is at a crossroads now External observers are sharply divided in evaluating the performance and intentions of the Russian leadership Russia itself is involved in finding out where it stands What sort of federation does it want to be How will it define its relationship to Europe and to its former sister republics The answers to such questions fundamentally affect the future shape of Russian law At the same time existing legal structures may predetermine the course Russia will take

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