



Dear readers,

I would like to present for your attention the third regular issue of the journal “Kazan University Law Review” in 2022.

The issue you are now holding in your hands contains articles on topical issues in the theory and practice of Russian and foreign law.

The issue starts with an article by Pavel Yakushev, Doctor of Legal Sciences, Associate Professor, Chairman of the First Judicial Personnel of the Court for Civil Cases on Appeal of the Vladimir Regional Court, “The traditional values in judicial practice”. The article analyzes court rulings, which refer to traditional values or to phenomena, which are essentially traditional values but are not named as such directly in the judicial acts. It is substantiated that despite the inclusion of traditional family values at the constitutional level in the sphere of legal regulation, as well as the statement of the task to protect traditional values in a number of strategic legal acts, the regulatory potential of traditional values is not used by the courts enough. The expansion of the application of traditional values by the courts to justify the judicial acts will be facilitated by the normative consolidation of the definition of traditional family values, their list, the criteria for attributing phenomena and moral guidelines to such, as well as the inclusion of references to traditional values in the normative legal acts.

The issue continues with an article by Petr Lang, Doctor of Legal Sciences, Associate Professor, Professor of the Department of Civil and Arbitration Procedure of the Samara State University of Economics, Head of the Department of Analysis, Statistics and Court Proceedings Support of the Eleventh Arbitration Court of Appeal, “The process of law formation: ontological, axiological and epistemological aspects”. The article considers the process of law formation as a two-unit process of spontaneous and planned-rational formation of legal norms system, providing the ordering of public relations under the influence of various factors of social development, receiving refraction in legally significant social interests and the subsequent reflection in the legal ideas. The ontological, axiological and epistemological aspects of this process are emphasized. By means of philosophical-legal methodology of law formation is presented in the form of

twofold process of spontaneous and systematic-rational formation of legal norms, providing ordering of public relations.

I am sincerely glad to present to you the study by Gelyusa Garaeva, Candidate of Legal Sciences, Senior Lecturer of the Department of Civil Law of the Law Faculty of the Kazan Federal University, “The waiver and restriction of family legal capacity”. The article proves the impossibility of waiver and restriction of general family legal capacity in view of its abstractness and inalienability from the personality of the bearer, while it is possible to restrict and waive only a subjective right. Almost all examples of waiver and restriction of legal capacity, which were previously cited by researchers, are not a waiver of legal capacity or its restriction, but a waiver (restriction) of rights or the exercise of a right. It is necessary to distinguish between legal capacities, which are part of the content of specific subjective rights, and abstract capacities, which constitute elements of legal capacity. In spite of the fact that waiver of legal capacity in general is impossible, it is possible to waive individual capacities included in the structure of legal capacity, for example, it is possible to waive reproductive legal capacity as a variant of parental capacity, if the person resorts to medical sterilization.

With best regards,
Editor-in-Chief
Damir Valeev