



Dear readers,

I would like to present for your attention the second regular issue of the journal “Kazan University Law Review” in 2023.

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 Oleg Latynin, Chairman of the Twenty-First Arbitration Court of Appeal, Doctor of Legal Sciences, Associate Professor of the Department of Civil and Arbitration Procedure of the Crimean branch of the Russian State University of Justice, “The doctrinal and methodological basis of the law enforcement restrictions in the sphere of civil circulation”. The author of the study considers the category of “restriction of the right”, associated mainly with formal technical-legal means. It is pointed out that such analysis, taking into account the purpose and patterns of meaning formation, needs some rethinking. The researcher more clearly distinguishes its substantive aspects in the context of ensuring a proper balance between the interests of the citizen and society. Meanwhile, as it is pointed out, the unity of methodology, doctrine and judicial enforcement forms a certain specific triad, which has a certain heuristic potential for the study of existing mechanisms of judicial protection and their improvement in the conditions of modernization, globalization, and integration processes in the modern post-industrial world. As a visualization of this provision, the author proposes a kind of fractal. The formation of meanings in the legal sphere, which also has the features of a fractal, is of special scientific interest for the legal community within the framework of this study. Taking into account the fractal properties of law identified in the article, the author proposes to delve into the justification of the triad consisting of methodology, doctrine and judicial enforcement.

The issue continues with a study by Sergey Degtyarev, Doctor of Legal Sciences, Professor of the Department of Civil Law Disciplines of the Ural Law Institute of the Ministry of Internal Affairs of Russia, on the topic “The interaction of the tasks of preparing a case for trial with the court’s judicial and evidentiary activities”. The article considers and establishes the interaction between the proper fulfillment of tasks aimed at the judicial authority at the preparation of the case for trial; issues considered by the court in the court session; issues resolved by the court in the

deliberation room when making a court decision; the motivation part of the court decision and the grounds for its annulment. The author deserves special attention for consideration in the study of the tasks, the resolution of which is associated not only with the judicial activity of the court, but also with the evidentiary activity of all participants in the process: the task of determining the circumstances relevant to the case, in other words — the correct definition by the court of the subject of proof in the case; the task of determining the necessary evidence, as well as assisting in their collection to the parties who need it.

The next research is presented by a collective of authors: Arsen Balafendiev, Candidate of Legal Sciences, Associate Professor; Nail Khabibullin, Deputy Dean for Educational Activities, Senior Lecturer; Mukhammad Dzhami Ramadan, Degree Candidate of Legal Sciences of the Department of Criminal Law of the Kazan Federal University. In the article “The criteria of individualization of punishment: consideration in exemption from criminal liability and punishment and application of other measures of criminal-legal influence” the authors point out that the criminal law as a whole as a specific type and instrument of social regulation can be properly effective not only if its provisions are optimally regulated, but also if the latter correspond to its essence, considered both in terms of legal formulas, requirements of legislative technique, proper systematization and well-thought-out structure, and social phenomena and processes. This component, the researchers point out, is revealed by doctrine and allows us to monitor how successfully it is realized in the norms and prescriptions of the law. As a result of the present study, proposals on optimization of some provisions of the Criminal Code of the Russian Federation are formulated: the authors come to the conclusion about the expediency of exclusion of the sign of voluntaries in Article 75 of the Criminal Code of the Russian Federation, a different interpretation of the correlation and significance of various forms of manifestation of active repentance, changes in the wording of Articles 64 and 75 of the Criminal Code of the Russian Federation, legislative consolidation of broader formulations covering the whole variety of positive post-criminal behavior.

I am sincerely glad to present to you the study by Anna Kuznetsova, Cadet of the Department of Investigator education, and Sergey Melnik, Candidate of Legal Sciences, Associate Professor, Professor of the Department of Civil law disciplines of the V. V. Lukyanov Orel Law Institute of the Ministry of Internal Affairs of Russia, “The problem of regulation of digital inheritance in civil law”. The authors of the study aim to consider the main problems of inheritance of objects related to digital rights in the framework of the legislation of the Russian Federation, due to the changes affecting all spheres of society in the process of digitalization and informatization of the modern world that have been taking place over the past decades. The authors point out that the development of clear and stable legal

mechanisms for the inheritance of digital rights is an essential task for modern societies seeking to ensure respect for the personal space and digital assets of each individual in the context of constant digital transformation. The absence of a legally regulated process of transferring digital rights from one person — the testator — to another person — the heir — creates contradictions, which creates certain problems in the law, which can only be eliminated by introducing a legally regulated procedure for this process.

The study on “The alcoholism of juveniles and young people as a deviantological problem: theory and basic concepts” presented by Yuriy Komlev, Doctor of Sociological Sciences, Professor, and Polina Alyukova, first year Master’s student of the Department of Criminal Law and Process of the “TISBI” University of Management, is of great importance. The problem of juvenile alcoholism in Russia has been relevant for decades. A number of scientists have been dealing with this issue, conducting empirical studies. The article considers alcoholism from the point of view of deviant behavior; several definitions of the mentioned definition are given, as well as the main deviantological concepts are given. The authors consider the historical aspect of the problem of alcoholism in Russia. The article points out that all decisions of the supreme authorities on the issue of combating alcoholism had a legislative basis. It is pointed out that the history of alcohol consumption in Russia has its socio-political and socio-cultural specifics. Conclusions about the problem statement are made.

I am sincerely glad to present to you the study by Robert Izmailov, Candidate of Legal Sciences, Senior Lecturer, of the Department of Business and Energy Law of the Kazan Federal University, on the topic of “The legal coverage of business relations in the market of housing and communal services”. The article is devoted to the legal coverage of business relations in the market for housing and communal services, which are characterized simultaneously by their complex and socially significant nature. It is proposed to define business relations in the market for housing and communal services as regulated by the norms of the law as complex property and organizational relations that develop in relation to the supply of housing and communal resources and the provision of housing and communal services. Business relations in the market for housing and communal services should be qualified as relatives. The objective criterion of cost estimation for housing and communal services allows us to talk about the property character of business relations in the market. It seems that the division of relations into basic and derivative is applicable to the sphere of housing and communal services. The peculiarity of a communal resource in entrepreneurial relations is the possibility of consumption. Business activity in the market of housing and communal services assumes the reimbursable character of the majority of relations, but at the same time, based on the objectives of the activities of individual subjects, the gratuitous character is also possible.

Finalizing this issue is a study by Lidiya Sabirova, Candidate of Legal Sciences, Associate Professor of the Department of Theory and History of State and Law of the Faculty of Law of Kazan Federal University, “The issues of integration in law: historical and theoretical analysis”. The author of this study aims to form a comprehensive scientific view of integration in law as a part of legal integration in general. It is pointed out that the design and creation of new branches of law is carried out by means of communication of certain legal characteristics of legal institutions and legal aggregates, as well as specific legal norms. Integration processes, as a rule, create an individual sectorial legal regime, which includes a variety of ways of legal regulation functioning in interrelation with each other. Such an individual sectorial legal regime should be studied in more detail, as it is characterized by the presence of a single goal of legal regulation of social relations. From the historical point of view, legal integration began to develop from the moment when the state and law emerged, when national legal systems began to emerge. The author mentioned that, speaking about a particular society, one can see the connection with historical formation on the basis of its own cultural, national, territorial factors.

*With best regards,
Editor-in-Chief
Damir Valeev*