KAZAN UNIVERSITY LAW REVIEW

Volume 9, Spring 2024, Number 2

kazanlawreview.org

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«KAZAN UNIVERSITY LAW REVIEW»
(registered by The Federal Service
for Supervision of Communications,
Information Technology
and Mass Communications in Russia
on 17 November 2016
(certificate number PI № FS 77-67763
(ПИ № ФС 77-67763))

Editorial office:
room 326, 18 Kremlyovskaya St.,
Kazan, 420008 Russia

Founders of the mass media:
Federal State Autonomous Educational Institution of Higher Education "Kazan (Volga region) Federal University"; "Publishing house "STATUT" Ltd.; "Yurlit" Ltd.

ISSN 2541-8823 (print)

ISSN 2686-7885 (online)
Publication:
four issues per year (one issue per quarter)

Dear readers,

I would like to present for your attention the second regular issue of the journal "Kazan University Law Review" in 2024.

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 Magomed Gezgiev, Candidate of Legal Sciences, Vice-Rector for Security of the Ingush State University, "The genesis of legal regulation of the enterprise as an object of heritage legal succession". In this study, the author considers the origin and development of legal regulation in relation to enterprises in the context of heritage legal succession. The historical and modern approaches to the legal status of enterprises when transferring them into inheritance are analyzed, and the relevant normative legal acts and judicial practice are considered. The article investigates the reasons for the emergence of the enterprise as a specific legal institution in the period of society's development. It is proposed to divide it into the main stages of development in the conditions of historical formation of the domestic legal system. The author of the article also draws attention to the problems and trends in the modern legal regulation of heritage legal succession of enterprises. The influence of economic and social factors on the formation and development of legal norms is investigated, as well as possible ways to improve the existing legislation and practice in this sphere are considered. In the conclusion of the article, the author made conclusions based on the study of the history of the development of property complexes as an object of rights in the inheritance law of Russia.

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, "The impact of monetary recovery aims when using a moral damage compensation mechanism ("consumer extremism" as a source of income in the modern period)". The article analyzes the concept of "consumer extremism" in Russian law, discusses its literary ("jargon") character and the lack of a clear legal definition. Unlike criminal law, where the term "extremism" has its clear normatively fixed content, in everyday life and legal literature this term has received its wide use only in conjunction with the term "consumer", because it is applied due to the action of the federal law "On protection of consumer rights"

and is entirely based on its application and the possibility of abuse of their rights by consumers. In the literature there are different views in the opinion on the appropriateness of the term "consumer extremism", but almost no one disputes the very fact of its existence in reality and judicial practice as one of the methods of impact on the opposite party with the aims, sometimes diverging from the aims of consumer protection, and pursuing only material enrichment of the injured party. Such concepts as "abuse of their rights" and "bad faith", in the opinion of the author, can and should be included in the content of the term "consumer extremism", if it is applied in the practical sphere of life of consumers of public goods. The author provides examples of consumer actions that can be considered as consumer extremism and discusses their impact on jurisprudence and business. The article also presents different points of view on this phenomenon, emphasizes the need for further research and development of legal measures.

The next research is presented by Altani Batueva, Police officer, cadet, 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 adversarial principle in the discourse of simplified proceedings". The article is devoted to the current issue of implementation of the adversarial principle of the parties in the consideration of disputes in the framework of simplified procedure. Administration of justice is the cornerstone of any legal system, and the procedure of court proceedings plays a key role in ensuring fairness and equality. In this context, the adversarial principle acts as a fundamental principle that seeks to balance the scales of justice by allowing opposing parties to present their cases before an objective judge. This principle becomes particularly intriguing when viewed in the context of summary proceedings, a procedural framework designed to streamline and expedite legal processes. The authors of the study identify the distinctive features of simplified proceedings and outline the points that allow to determine the sufficiency in the implementation of the mentioned principle.

I am sincerely glad to present to you the study by a collective of authors: Elza Azizova, fifth year student, Sadagat Bashirova, Candidate of Legal Sciences, Associate Professor, and Guzel Valeeva, Candidate of Historical Sciences, Associate Professor of the Department of Theory and Methods of Teaching Law of the Kazan Federal University, "To the issue of transformation of sex education in the context of family and educational law ("Human-centeredness of law: issues of sex education in the context of legal constructions of family and educational law")". The article considers modern trends in the transformation of sex education in the context of family and educational law in Russia. Special attention is paid to the concept of human-centeredness of law as a basis for the development of family relations and the educational sphere. In the context of the implementation of strategic documents and

legislative changes aimed at preserving traditional values and ensuring the safety of children, the prospects for introducing new approaches to sex education into school programs, including through the subject of "Family Studies", are being considered. The specifics of the child's socialization process make it possible to consider work on sex education valid already at preschool age, and it requires continuation at other stages of a child's development. The authors emphasize the importance of respect for individual rights and protection from violations as fundamental principles that influence the formation of relevant legislation and the practice of its application.

The issue is finalized by an article on "The invalidity of legal transactions in insolvency (bankruptcy) cases", prepared by a Yakov Soldatov, Candidate of Historical Sciences, Associate Professor of the Department of Civil Law, and Viktoriya Galkina, Second-year Master's student of the Department of Civil and Business Law of the "TISBI" University of Management. In the article, the authors analyze the key aspects of civil law impact on social relations in the field of insolvency (bankruptcy), in particular, the invalidity of legal transactions and the peculiarities of their contestation. The article contains the analysis of legal transactions that entail preferential fulfillment of the claims of certain creditors of an insolvent debtor, the peculiarities, grounds, and conditions of invalidity of such legal transactions are studied. It also examines the norms of the Federal Law "On insolvency (bankruptcy)", taking into account the opinions of practicing lawyers and the analysis of law enforcement practice. Difficulties in providing evidentiary basis for challenging legal transactions in bankruptcy, as well as the lack of law enforcement practice of invalidity of suspicious and preference legal transactions, are considered. With reliance on the theoretical basis, the peculiarities of the consequences of recognizing a legal transaction invalid are disclosed. The content of the mentioned peculiarity is investigated.

With best regards,
Editor-in-Chief
Damir Valeev

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ARTICLES

Magomed Gezgiev
Candidate of Legal Sciences, Vice-Rector
for Security of the Ingush State University

THE GENESIS OF LEGAL REGULATION OF THE ENTERPRISE AS AN OBJECT OF HERITAGE LEGAL SUCCESSION

DOI: 10.30729/2541-8823-2024-9-2-79-87

Abstract. *In this study, the author considers the origin and development of legal regulation in relation to enterprises in the context of heritage legal succession. The historical and modern approaches to the legal status of enterprises when transferring them into inheritance are analyzed, and the relevant normative legal acts and judicial practice are considered. The article investigates the reasons for the emergence of the enterprise as a specific legal institution in the period of society's development. It is proposed to divide it into the main stages of development in the conditions of historical formation of the domestic legal system. The author of the article also draws attention to the problems and trends in the modern legal regulation of heritage legal succession of enterprises. The influence of economic and social factors on the formation and development of legal norms is investigated, as well as possible ways to improve the existing legislation and practice in this sphere are considered. In the conclusion of the article, the author made conclusions based on the study of the history of the development of property complexes as an object of rights in the inheritance law of Russia. The study contributes to the development of the theory and practice of inheritance law, as well as can be used in the development of new normative acts or in solving specific legal issues related to the heritage legal succession of enterprises.*

Keywords: *enterprise, legal succession, object of heritage legal succession, inheritance law, institute of inheritance.*

Specialization of production and separation of labor led to the emergence of the enterprise as a separate legal institution during the development of society. In order to formulate the definition of property, it is necessary to refer to the historical

background. Thus, back in the Law of XII Tables, the term "familia pecuniaque" appears and is literally defined as the number of livestock and slaves. The head of the family acted as a citizen — all property belonged to him[1]. As a result of the formation of the institute of property rights, various property for certain economic aims began to appear[2].

The enterprise was created and developed in a family union. Initially, the family acted in the form of the most ancient organization of the economy, where products were made. Some quantity of these products was transferred to the market for further trade. Trade acted as the most important direction of economic activity. Accordingly, the most ancient enterprise is a part of the household subordinated to the family way of life of that time. According to some sources of chronicles, "torzhishche" — in other words, the market, occupied the most significant place in Kyiv. In addition, besides the torzhishche, there were less than ten other small, localized outlets where products produced by individual families were sold.

The family in Russia was a subject of private law, owning the exclusive right to property. In the IX–XII centuries in Russia, the peasant family had its own separate economy. This period is characterized by the fact that peasants were the key productive force of the state. In their use there were both tools of production and livestock. Peasants in this period had the right to use land, but the right of ownership was vested in the community. Thus, free land use and subsistence farming in Russia existed until the end of the XII century.

In the past, a family household was made up of several property objects, including a dwelling, the right to use a plot of land, property necessary for the household and animals. According to the Russkaia Pravda, a code of laws and rules in force at that time, only movable property could be inherited. Land was not an object of private property — accordingly, it could not be given to heirs[3].

Having analyzed the norms of inheritance in Russia in the period of X–XII centuries, we can conclude that in the Russkaia Pravda was not yet fully reflected the principle of unity of the inheritance mass. Consequently, the category of "inheritance" included only material values — in particular, the will of the testator

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[1] *Sinayskiy V. I.* Russkoe grazhdanskoe pravo. Vyp. II. Obyazatelstvennoe, semeynoe i nasledstvennoe pravo [Russian civil law. Vol. II. Obligatory, family, and inheritance law]. Kiev, 1918. P. 154.

[2] *Meyer D. I.* Russkoe grazhdanskoe pravo. V 2 ch. Ch. 1. M., 1997 (po izd. 1902 g.) [Russian civil law. In 2 parts. P. 1. M., 1997 (according to the edition of 1902).]. P. 9; *Sinayskiy V. I.* Russkoe grazhdanskoe pravo. Vyp. II. Obyazatelstvennoe, semeynoe i nasledstvennoe pravo [Russian civil law. Vol. II. Obligatory, family, and inheritance law]. Kiev, 1918. P. 246.

[3] *Shershenevich G. F.* Kurs torgovogo prava. T. 1. Vvedenie. Torgovye deyateli. 4-e izd. [A course in commercial law. V. 1. Introduction. Commercial persons. 4th ed.]. SPb., 1908. P. 154, p. 158; *Kasso L.* Preemstvo naslednika v obyazatelstvakh nasledodatelya [The succession of an heir to the obligations of the testator]. Yuryev, 1895. P. 207.

was not reflected in this category. In addition, the status of trade enterprises was not legislated[1].

Radical changes in Russia took place at the end of the XI century, namely in the period of feudal fragmentation. This period was characterized primarily by the development of craftsmanship, agriculture, and the growth of large cities. Families produced the simplest products for home use and resale — furniture, dishes, clothes and other products[2]. The process of social labor classification led to the need to isolate domestic crafts into a separate category — handicraft production. Craftsmen not only provided for the needs of their families by producing handmade goods, but also benefited from it by reselling or exchanging the manufactured products.

Studying the development of Russian law in the field of inheritance from the X to the XIV century, we can conclude that the legislation in this area developed in two main directions. The first direction consisted in preserving traditions and the family way of life in the system of inheritance, the second direction was to expand the circle of heirs.

In accordance with the statements specified in the Commercial Statute and the Appendix to Article 1238 of the Civil Code, it may be noted that upon the death of the owner of a factory, plant, manufacture or shop, all of the above property was transferred directly to the heirs of the deceased. In addition, in cases where the heirs continued to carry on the business activities of the testator, they received the right to possess the property complex. For this purpose, it was required to pay a certain statutory amount of tax. It is important to note that, in addition to the property, the heirs in this case inherited the debts of the owner of the enterprise, if any. As to debts, it should also be noted that they were paid not only from the inherited property complex — often heirs were forced to pay debts from their personal property. There were also cases when creditors had doubts about the hereditary rights of the owner, then the creditors could request an inventory of the enterprise and conduct a complete sealing, as a result of which the commercial property was sealed from the personal property of the heirs.

At the beginning of the XVIII century, the state actively interfered in economic processes and supported private entrepreneurship. At the same time, often treasury enterprises (as a rule, recognized as unprofitable) were transferred into private hands. The authorities assumed responsibility for the costs of training workers, supplied equipment to the enterprises, gave preferential loans, as well as free land for the

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[1] *Alekseev Yu. G.* Pskovskaya sudnaya gramota i ee vremya. Razvitie feodalnykh otnosheniy na Rusi v XIV–XV vv. [Pskov judgment charter and its time. Development of feudal relations in Russia in the XIV–XV centuries]. L.: Lenizdat, 1980. P. 110.

[2] *Sergeevich V.* Lektsii i issledovaniya po drevney istorii russkogo prava [Lectures and studies on the ancient history of Russian law]. SPb., 1899. P. 406, p. 407, p. 415.

construction of factories and plants. The first manufactories in Russia appeared in the XVII century, but only from the XVIII century. Manufactures began to develop rapidly, and their quantitative specific weight began to exceed craft production.

During the same period, enterprises began to take over not only individuals, but also entire settlements — villages. One of the key privileges for such enterprises is the right to forced labor of peasants living in the newly formed territories of the enterprises. Since 1721, according to the Decree of Peter the First, enterprises have the right to buy serf peasants and, moreover, to assign them to the enterprise. As a result of this process, peasants are "united" with the enterprise, i.e., from the moment of acquisition of peasants to the enterprise they become impossible to buy or sell.

By the end of the second half of the XVIII century, socio-economic reforms in Russia became more and more aimed at tightening serfdom and strengthening class distinctions. The right of inheritance of acquired property was not restricted by law, but patrimonial property was subject to the principle of saving within the family of the testator. Only in 1832–1833 the legislation began to be systematized and modified, which later became the basis for the Code of Laws of the Russian Empire, which was in force until 1917.

When studying legal documents and precedents of judicial practice of the XVII–XVIII centuries, it is clearly seen that inheritance property was not limited only to immovable and movable property. It also included debts that the testator had at the time of his death, such as the right to claim on mortgages and bills of sale.

The rapid upsurge of industry in Russia falls on the end of XIX – beginning of XX century. The reforms of Alexander the Second in 1861 have a significant impact on the formation of this process. From this period of time, railroads begin to be actively built, and, thanks to the development of freight transportation, domestic goods begin to reach foreign markets. In addition, the internal trade of the country is actively developing, which leads to the need to search for and implement new approaches to the legal regulation of not only civil, but also inheritance relations, the object of which were also enterprises.

The inheritance law in the mentioned period provided for key points worth paying attention to. The freedom to bequeath property was not limited only to relatives, so it could be bequeathed to outsiders as well. Restrictions on real estate inheritance applied only to patrimonial property, which could not be bequeathed. However, well-purchased real estate could be bequeathed to any heirs without restriction.

The study of the information described by the volost courts on peasant inheritance disputes proves that labor and economic relations, rather than kinship ties, were decisive factors in determining the right of inheritance. In the peasant class, property related to economic activity was transferred according to custom, and land inheritance was limited and controlled by the community. However, personal

labor was of great importance in inheritance legal relations. The rule was established that heirs inherited all debts of the testator, regardless of the size of the inheritance. The liability of heirs for the debts of the testator acquired unlimited character.

In 1917, Russia experienced rapid changes in the political and economic environment, in which state interests were more prioritized over private interests. This led to the beginning of the period of war communism and nationalization of all spheres of the economy, as well as to significant changes in inheritance law.

In the process of building a socialist society, the concept of inheritance was based on the fact that the means of production were nationalized. As a result, only personal property could be inherited. In this case, the property, the value of which was less than 10 thousand rubles, was transferred to the disposal of the surviving spouse or his (her) next of kin. The above rule acted primarily as a measure of social security, and was further legislated in the Civil Code of the RSFSR. The transition to a new economic policy served as an impetus for further reform of legislation on inheritance[1].

The economic recovery after the revolution in Russia led to the revival of enterprises and legal norms that gave individuals the right to open their own commercial and industrial enterprises.

After studying the legislation of the period of Soviet power, we can conclude that the regulation of inheritance legal relations was based on the Decrees of the All-Russian Central Executive Committee of April 27, 1918 "On the abolition of inheritance" and August 20, 1918 "On the abolition of the right of private ownership of real estate in cities". In 1922, a restriction on inheritance of property was established in the amount of not more than ten thousand rubles, after taking into account the debts of the testator, with the adoption of the Civil Code of the RSFSR. This method of restricting the rights of inheritance of property was new and was not found in the legislation of Western Europe. It was explained by the desire to satisfy the interests of the state.

In Russia in the second half of the XX century, there was a two-tier system of legislation: all-union and republican. At that time, civilists proposed a new concept of inherited property and rejected the notion of the institution of inheritance as a means of destroying private property. They argued that inheritance, as the main institution of inheritance law, was aimed at strengthening personal property and preserving family and kinship ties. Inheritance law was stable and reflected the dependence of the objects of hereditary succession on the legislator's approach to the regulation of property rights.

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[1] *Antimonov B. S., Grave K. A.* Sovetskoe nasledstvennoe pravo [The Soviet Inheritance Law]. M.: Gosyurizdat, 1955. P. 264; *Melnikova M. P.* Nasledovanie po zakonu v Rossii ot svoda zakonov do grazhdanskogo kodeksa RSFSR 1964 goda (istoriko-teoreticheskiy aspekt): avtoref… diss. kand. yurid. nauk [Inheritance by law in Russia from the Code of Laws to the Civil Code of the RSFSR of 1964 (historical and theoretical aspect): abstract of dissertation of Candidate of Legal Sciences]. Stavropol., 2001. P. 7.

In 1964, rules were established for inheritance of various categories of property, including household items, collective farm property, cash deposits, and inherited debts of the testator. The Civil Code of the RSFSR confirmed the unity of inheritance and the universality of legal succession. As a result, the legislation on inheritance in Russia from the middle of the XX century to the beginning of the XXI century was stable and reflected the section of the Civil Code of the RSFSR of 1964 on inheritance[1].

The study of the history of the development of property complexes as an object of rights in the inheritance law of Russia allows us to draw conclusions that:

1. The conditions for the development of the institution of enterprise began to appear in the early times of social development, when the family was the main form of economic organization. It produced products that went to the market, and trade was an important sphere of economic activity.

2. Household handicrafts, which emerged as a result of the division of social labor, became the prototypes of modern enterprises. Artisans not only produced goods for their families, but also sold or traded the surplus. As artisans moved into the cities, they began to establish separate economic enterprises, spinning off from their family trades. This process was the starting point in the development of enterprises as an object of hereditary legal relations[2].

It should be concluded that already before the formation of the Old Russian state there were economic entities in society, and the regulation of their status was reflected in the Old Russian law. The socio-economic prerequisites of the enterprise as an object of legal regulation were and actively developed.

3. In the IX–XII centuries, peasant families had their own separate farms, which had tools of production and livestock. Peasants were the main productive force in Russia, and the household of a family was a complex, including a house, land allotment, livestock and manufactured goods[3]. The rules of inheritance, defined in Old Russian law of X–XII centuries, were enshrined in the Russkaia Pravda. Inheritance could include only material values, and the will of the testator was limited. Trade enterprises had no legislative status[4].

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[1] *Barshchevskiy M. Yu.* Nasledstvennoe pravo [The inheritance law]. M.: Belye alvy, 2005. P. 47.

[2] *Pobedonostsev K. P.* Kurs grazhdanskogo prava. Pervaya chast: Votchinnye prava [A course in civil law. Part one: allodial rights]. M., 2002. P. 112.

[3] *Isaev I. A.* Grazhdanskoe, brachno-semeynoe i nasledstvennoe pravo / Razvitie russkogo prava vtoroy poloviny XVII–XVIII vekov [Civil, marriage, family and inheritance law / Development of Russian law of the second half of the XVII–XVIII centuries]. M., 1992. P. 141.

[4] *Garaevskaya I. A.* Ekonomicheskoe razvitie Kievskoy Rusi v IX-XII vekakh, Severnoy Rusi, Moskovskogo knyazhestva v XII–XIV vekakh / Istoriya ekonomicheskogo razvitiya Rossii [The economic development of Kievan Rus in the IX–XII centuries, Northern Rus, Moscow principality in the XII–XIV centuries / History of economic development of Russia] / Pod red. A. K. Shurkalina. M., 2000. P. 9; *Novitskiy I. B., Pereterskiy I. S.* Rimskoe chastnoe pravo [Private Roman law] / Pod red. I. B. Novitskogo i I. S. Pereterskogo. M., 1997. 560 p.

4. From the XII to XIV centuries inheritance legislation developed in two directions: the saving of customs and family beginning in inheritance, as well as expanding the circle of heirs, changing the composition of inherited property and recognizing the universality of inheritance law.

5. In 1649, the Council Code was adopted, which was the main source of law until the XVIII century. The composition of inheritance included not only movable and immovable property, but also the debts of the testator, such as the right to claim on mortgages and bills of sale. Enterprises could be the object of inheritance.

6. The fourth stage is associated with the development of legislation in the second half of the XVIII – early XX centuries. During this period, contractual relations became more complicated, the circle of heirs expanded, civil turnover intensified. In Russia of the early XX century there was a rapid industrial growth, profit became the main aim of economic activity, and rights and obligations became the object of legal transactions. Enterprises included factories, plants, stores, stores, goods, tools and exclusive rights to trademark. In addition, during this interval the rule o inheritance of all debts of the testator, regardless of the size of the inheritance asset, was formed, and the liability of heirs for the debts of the testator acquired an unlimited character.

7. In the fifth period of development of the institute of inheritance, there were cardinal changes. First, these changes are directly related to the events of 1917. At this time, state interests became dominant in economic relations, and private interests were suppressed[1]. There were also significant changes in the inheritance law. For example, on April 27, 1918, the All-Russian Central Executive Committee of the RSFSR adopted the Decree "On the abolition of inheritance", which led to the complete nationalization of all spheres of the economy under the policy of war communism. This led to significant changes in the institution of inheritance of enterprises[2].

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[2] *Genkin D. M., Novitskiy I. B., Rabinovich I. V.* Istoriya sovetskogo grazhdanskogo prava [History of the Soviet Civil Law]. M., 1949. 765 p.; *Gorokhova Yu. A.* Predpriyatie kak imushchestvennyy kompleks i osobennosti ego nasledovaniya [Enterprise as a property complex and peculiarities of its inheritance] // "Tsennosti i interesy sovremennogo obshchestva" Mezhdunarodnaya nauchno-prakticheskaya konferentsiya ["Values and interests of modern society" International Scientific and Practical Conference]. 2014. P. 26; *Sergeevich V.* Lektsii i issledovaniya po drevney istorii russkogo prava [Lectures and studies on the ancient history of Russian law]. SPb., 1899. P. 94.

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Recommended citation

Gezgiev M. A. The genesis of legal regulation of the enterprise as an object of heritage legal succession. Kazan University Law Review. 2024; 2 (9): 79–87. DOI: 10.30729/2541-8823-2024-9-2-79-87.

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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

THE IMPACT OF MONETARY RECOVERY AIMS WHEN USING A MORAL DAMAGE COMPENSATION MECHANISM ("CONSUMER EXTREMISM" AS A SOURCE OF INCOME IN THE MODERN PERIOD)

DOI: 10.30729/2541-8823-2024-9-2-88-94

Abstract. *The article analyzes the concept of "consumer extremism" in Russian law, discusses its literary ("jargon") character and the lack of a clear legal definition. Unlike criminal law, where the term "extremism" has its clear normatively fixed content, in everyday life and legal literature this term has received its wide use only in conjunction with the term "consumer", because it is applied due to the action of the federal law "On protection of consumer rights" and is entirely based on its application and the possibility of abuse of their rights by consumers. In the literature there are different views in the opinion on the appropriateness of the term "consumer extremism", but almost no one disputes the very fact of its existence in reality and judicial practice as one of the methods of impact on the opposite party with the aims, sometimes diverging from the aims of consumer protection, and pursuing only material enrichment of the injured party. Such concepts as "abuse of their rights" and "bad faith", in the opinion of the author, can and should be included in the content of the term "consumer extremism", if it is applied in the practical sphere of life of consumers of public goods. The author provides examples of consumer actions that can be considered as consumer extremism and discusses their impact on jurisprudence and business. The article also presents different points of view on this phenomenon, emphasizes the need for further research and development of legal measures.*

Keywords: *consumer extremism, litigation, public opinion, legal consequences, compensation for moral damage.*

The term "consumer extremism" is more literary than legal. For example, it is proposed, guided by the provisions of Article 10 of the Civil Code of the Russian

Federation (limits of the exercise of civil rights) and taking into account Article 159 of the Criminal Code of the Russian Federation (fraud), "consumer extremism" should be called: actions of consumers to circumvent the law, carried out solely with the intention to cause damage to another person; their abuse of their special position in the market of goods, works, and services; unfair behavior of buyers and recipients of services, abuse of the right; deliberate illegal acts of consumers, committed with the aim of turning in their favor the property of the state. According to A. Kalinovskaya, the emergence of "extremists" is primarily due to the fact that the law on consumer rights protection adopted in 1992, which a number of international experts recognized as the best of Russian legislative acts, provided quite a large volume of rights to citizens. Legislation designed for a conscientious consumer, in court disputes, recognizes it is his weak side, which is very effectively used by "extremists"[1].

The Consulting Center of Hygiene and Epidemiology in Krasnoyarsk region based on the materials published on the website pravo.ru concludes that "Russian law on consumer protection is recognized by international experts as one of the most humane in the world. At the same time, it must be mentioned that on the one hand, it protects the rights of a bona fide purchaser, but on the other hand, it gives room for action to those who use the principle "the consumer is always right" in their selfish interests. And although the term "consumer extremism" does not exist in Russian law, in reality it does"[2].

The "Consumer extremism" refers to artificially created or mass claims against a seller, manufacturer, real estate developer, etc.[3]

P. A. Lavrenkov notes that the innovations of the Law of the Russian Federation "On protection of consumer rights" led to changes in judicial practice, which "gave rise not only to consumer extremism, but also to a specific legal business based on the purchase of consumers' rights to receive an insurance payment (assignment of the right of claim), its maximization by creating artificial preconditions for referring the dispute to the court and collecting penalties under the Law of the Russian Federation "On protection of consumer rights"[4].

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1 Consumer extremism: myth or reality // Federal Service for Supervision of Consumer Rights Protection and Human Welfare. URL: https://24.rospotrebnadzor.ru/ (date of address: 10.04.2024).

2 Ibid.

3 Consumer extremism. How to win a dispute with a consumer // Central District. URL: https://centraldep.ru (date of address: 10.04.2024).

4 *Lavrenkov P. A.* Sudeyskoe usmotrenie kak instrument soblyudeniya balansa interesov storon dogovora strakhovaniya [Judicial discretion as an instrument of observing the balance of interests of the parties to an insurance contract] // Sudeyskoe usmotrenie: sbornik statey [Judicial discretion: a collection of articles] / E. V. Avdeeva, G. A. Agafonova, M. D. Belyaev i dr.; otv. red. O. A. Egorova, V. A. Vaypan, D. A. Fomin; sost. A. A. Suvorov, D. V. Kravchenko. M.: Yustitsinform, 2020. 176 p.

M. G. Sveredyuk notes similar trends in the medical sphere of service provision. In particular, he points out that situations are gaining momentum when a person who has applied for medical assistance deliberately provokes medical workers, tries to mislead judicial, control and supervisory authorities with the aim of ***material enrichment***. This phenomenon, in his opinion, has been called "consumer extremism"[1]. In another work he emphasizes that "the above phenomenon is characteristic of virtually any sphere of household services, performance of works, sale of goods. For medicine, such behavior of patients is the most sensitive, because it is about life and health. In this regard, it is possible to form a separate concept — patient extremism, under which the author proposes to understand — conscious dishonest actions (inaction) of a patient in relation to the activities of a medical organization (medical worker), with the aim of material enrichment or obtaining advantages of various kinds"[2].

However, there are other, ***opposite points of view*** on this issue. For example, in his interview, the Deputy Head of the Federal Service for Supervision of Consumer Rights Protection and Human Welfare — M. S. Orlov notes: "I think that consumer terrorism is nothing more than a fiction on the part of business. I would not characterize consumer appeals with such a term with the aim of realizing their legal rights. ... There is no consumer terrorism, there is simply an unwillingness to fulfill the legitimate demands of our citizens. Our legislation is originally constructed on the fact that the consumer is a weak party, and the business entity is a professional market participant. Accordingly, consumer rights must be protected in a special way. Business is always looking for loopholes (in a good sense of the word) and, I must say, is quite successful in this. Consumers are not always aware of their rights under the law, and sellers often take advantage of this. And when the consumer does apply for protection of his rights, business entities typically refuse to satisfy his claims. Even with the current regulation, it is not uncommon for consumers to have to go to court"[3].

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[1] *Sveredyuk M. G.* Neobkhodimost organizatsii mediko-pravovoy raboty v subekte RF kak faktor, sposobstvuyushchiy snizheniyu riskov nenadlezhashchego osushchestvleniya meditsinskoy deyatelnosti (praktika Khabarovskogo kraya) [The need to organize medical and legal work in the subject of the Russian Federation as a factor contributing to the reduction of risks of improper implementation of medical activities (practice of Khabarovsk area)] // Meditsinskoe pravo [Medical Law]. 2022. No. 3. Pp. 43–47.

[2] *Sveredyuk M. G.* Pravootnosheniya v sfere okhrany zdorovya: problemy, probely, pravovye riski [The legal relations in the sphere of health protection: issues, gaps, legal risks] // Materialy mezhvuzovskogo nauchno-prakticheskogo onlayn kruglogo stola "Regulirovanie pravootnosheniy: voprosy istorii, teorii i yuridicheskoy praktiki" (Khabarovsk, 20 noyabrya 2020 g.) [Materials of the interuniversity scientific-practical online round table "Regulation of legal relations: issues of history, theory and legal practice" (Khabarovsk, November 20, 2020).] / otv. red. K. A. Volkov i dr. Khabarovsk: Tikhookeanskiy gosudarstvennyy universitet, 2021.

[3] Potrebitelskiy terrorizm — ne bolee chem vydumka so storony biznesa (Intervyu s M. S. Orlovym) [Consumer terrorism is nothing more than a fiction on the part of business (Interview with M. S. Orlov)] // Zakon [Act]. 2021. No. 9. Pp. 8–14.

V. A. Belov believes that, from a legal point of view, a consumer's filing (lawsuit) claims, including multimillion and/or disproportionate claims, for "insignificant" improper fulfillment of obligations assumed by a retailer cannot be called terrorism or extremism, and the use of the concept of "consumer terrorism"/ "consumer extremism" should be recognized as jargonism[1]. V. A. Belov, apart from referring to the understanding of terrorism and extremism only in the strictly criminal legal sense[2], bases his conclusions, among other things, on the conclusions of the Perm Territory Court, which points out that "Current legislation does not contain such a concept as "consumer extremism", from the point of view of the law such actions are qualified as abuse of right. Paragraph 1 of Article 10 of the Civil Code of the Russian Federation establishes the prohibition of abuse of right, aimed at the realization of the principle enshrined in Article 17 (Part 3) of the Constitution of the Russian Federation, according to which the exercise of human and civil rights and freedoms must not violate the rights and freedoms of others. In accordance with Paragraph 2 of Article 10 of the Civil Code of the Russian Federation, in case of non-compliance with the requirements stipulated in Paragraph 1 of this Article, the court, taking into account the character and consequences of the abuse committed, shall refuse to protect the right belonging to the person in full or in part, as well as apply other measures provided for by law[3].

Nevertheless, in practice there are often situations when violation of personal non-property rights becomes the basis for enrichment of bloggers, for example, by systematically posting videos on the Internet containing public insults or humiliation of representatives of law enforcement agencies and other citizens caught in the frame, etc.

For example, employees of the Federal Service of National Guard Forces of the Russian Federation filed a lawsuit with the Proletarsky District Court of Tula to protect their honor, dignity and business reputation. The defendant was blogger Artem Volkov, better known as "Artem Wolf". It follows from the case materials that on January 29, 2021, the blogger posted a video on his YouTube channel, in which he conducted a raid in a Dixie store: he was looking for expired goods. During the visit, the employees of the supermarket called law enforcement. Between the blogger and

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[1] For more details, see: *Belov V. A.* Potrebitelskiy terrorizm: teoriya i praktika. Chasti 1 i 2 [Consumer Terrorism: Theory and Practice. Parts 1 and 2] // Pravo i ekonomika [Law and economics]. 2021. No. 6. Pp. 22–30; *Belov V. A.* Vidy trebovaniy potrebiteley: teoretiko-prakticheskiy analiz [Types of consumer demands: a theoretical and practical analysis] // Zakon [Act]. 2021. No. 9. Pp. 33–41.

[2] Ibid.

[3] Information on the results of generalization of judicial practice of consideration by the courts of the Perm Territory of cases on disputes in the sphere of liability of housing developers after the transfer of residential premises to owners for 2018–2019, three months of 2020 (approved by the Presidium of the Perm Territory Court 04.12.2020).

employees of the Federal Service of National Guard Forces of the Russian Federation there was a conflict, in which the following insults were heard against the plaintiffs: "werewolf", "bull", "body with a machine gun". In addition, videotaping and sounding of personal data of employees was conducted without their consent. The actions of A. Volkov caused them moral damage, expressed in moral suffering, as they experienced nervous stress, felt discomfort from public humiliating expressions in their address. The defendant discredited their professional status. This publication led to the conduct of an internal audit against them. They had to worry and explain themselves to their leadership, colleagues, friends, and relatives. At the moment, they cannot fully fulfill their official duties, as they work with citizens who could see the video, which is available to an unlimited number of people," — noted in the case file. Employees of the Federal Service of National Guard Forces of the Russian Federation demanded to remove the video with their participation, to recognize the disseminated information as untrue, defaming their honor, dignity and business reputation, as well as to recover compensation for moral damage, the cost of state duty and notarial services. The court partially satisfied the claims. The blogger was obliged to remove the video clip and reimburse the plaintiffs 10,000 rubles for moral damages, 900 rubles for state duty and 5,150 rubles for notarial services. The total cost amounted to 16,050 rubles. A. Volkov disagreed with the decision of the Proletarsky District Court and filed an appeal. The Tula Regional Court found no grounds to overturn the current decision. The blogger's complaint was left without dismission. It should be explained that A. Volkov published his first video in March 2020. The blogger published a video with inspections of supermarkets in Tula. His aim, as he claimed, was to fight expired goods[1].

The scenario of all the posts on the Internet was approximately as follows: the blogger started a "performance" at the checkout counter in a store of a large retail chain under the recording of a video camera - he violated the integrity of the packaging of goods, bit or tasted the goods, refused to pay, and thereby entered into a verbal altercation with the sellers indignant by this behavior at the checkout counter, who successively appealed for assistance and help to representatives of the store's security guards, superiors, and then to representatives of the Federal Service of National Guard Forces of the Russian Federation. Having a basic legal education, in the dialog the blogger constantly referred to specific provisions of civil law and the law "On protection of consumer rights", which are violated by the opposing party, and thus, as a rule, embarrassed them. He provoked everyone, especially representatives of the authorities, to active actions, which were immediately assessed by him under the camera as a violation of his freedom, personal constitutional rights, abuse of

[1] In Tula, the Russian Guards have sued blogger Artem Wolf for 16 thousand rubles for insults // Tula Press. URL: https://tulapressa.ru (date of address: 10.04.2024).

authority, etc. But the culmination of the "performance" was not that at all, during the altercation at the cash register, the video blogger's assistants collected a basket-cart of really expired goods in the store and presented it to the store management and law enforcement officers. Under the pressure of this "evidence and proof", as well as future possible public condemnation by the viewers and subscribers of the blog, all the humiliations and insults previously uttered by the blogger to the store employees and representatives of the authorities were "forgiven", and a statement was accepted from Volkov about the violation of his rights as a consumer. As a result, the violation of honor and dignity of internal affairs officers and sellers-cashiers, other store employees by the blogger Volkov remained out of the attention of the viewers, as well as the justice system, because the victims did not try to defend their honor and dignity in this situation.

The above example allows us to compare once again the motivations for which in pre-revolutionary Russia and in modern Russian society citizens, especially employees of internal affairs bodies, who suffered moral damage, did not strive then and do not strive now to protect their honor, dignity and business reputation. This is due to the necessity to go to court in every case, bringing all this to the public, public level of discussion. If in pre-revolutionary Russia, according to the same Professor D. I. Meyer, the main motive was spiritual values and the right to forgive the victim of the offender of moral damage, now the victims are driven by completely different motives, most often in no way related to mercy. The first place, unfortunately, is occupied by uncertainty in the effectiveness of judicial protection and the complexity of the judicial procedure, which requires from the victims additional physical, moral and material costs, for which many are simply not ready due to the fact that going to court is an extraordinary situation rather than ordinary and commonplace in the daily life of each of us. With regard to employees of internal affairs bodies, appeal to the court for protection of honor, dignity, business reputation may entail an internal investigation of the legality of their actions, for example, on the basis of statements of the defendant, etc. All this allows us to once again recall the effectiveness of the preventive function of civil law, civil procedure and the functioning of the judicial system, which is largely based on the effectiveness of judicial protection and all its components, the fundamental of which are the provisions of civil procedural law, enshrined in civil procedural legislation and realized in judicial practice guarantees of their implementation in the consideration of civil cases.

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Recommended citation

Degtyarev S. L. The impact of monetary recovery aims when using a moral damage compensation mechanism ("consumer extremism" as a source of income in the modern period). Kazan University Law Review. 2024; 2 (9): 88–94. DOI: 10.30729/2541-8823-2024-9-2-88-94.

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THE ADVERSARIAL PRINCIPLE IN THE DISCOURSE OF SIMPLIFIED PROCEEDINGS

DOI: 10.30729/2541-8823-2024-9-2-95-97

Abstract. *The article is devoted to the current issue of implementation of the adversarial principle of the parties in the consideration of disputes in the framework of simplified procedure. Administration of justice is the cornerstone of any legal system, and the procedure of court proceedings plays a key role in ensuring fairness and equality. In this context, the adversarial principle acts as a fundamental principle that seeks to balance the scales of justice by allowing opposing parties to present their cases before an objective judge. This principle becomes particularly intriguing when viewed in the context of summary proceedings, a procedural framework designed to streamline and expedite legal processes. The authors of the study identify the distinctive features of simplified proceedings and outline the points that allow to determine the sufficiency in the implementation of the mentioned principle.*

Keywords: *simplified procedure, simplified proceedings, order proceedings, adversarial proceedings, principle.*

Nowadays, the topic of simplified procedure of legal proceedings, the most preferred forms of which are simplified and writ proceedings, is relevant and significant from a practical point of view. A distinctive feature of the procedure for consideration and resolution of disputes, which is customary for citizens, is relative simplicity, reduction of time costs in conjunction with the characteristic brevity.

At the same time, in the first half of 2021, 16,945 cases, or 40.3% of the total number of resolved cases[1], were considered by way of simplified proceedings, which directly indicates the demand for this type of simplified procedure as a specific way of unloading the judicial system.

Simplified proceedings is a specially provided procedure of proceedings in civil cases, legislatively regulated and presented in Chapter 21.1 of the Code of Civil Procedure of the Russian Federation (hereinafter — the CCP RF)[2]. A characteristic feature of simplified proceedings we can distinguish through correlation with the order proceedings, in which not only the disputed right itself, but also the prerequisites for its emergence, are absent. The grounds according to which civil cases are considered in the above order are specified in Paragraphs 1, 2 of Article 232.2 of the Code of Civil Procedure of the Russian Federation, and the legislative branch of power represented by its competent bodies provides for the possibility of conducting court proceedings in these categories of cases both by justices of the magistrate and district judges.

In addition to the above-mentioned peculiarities of simplified proceedings, we also consider it important to indicate the characteristic features, the content of which, first, is the failure to appoint a court session, which directly indicates the failure to inform the persons involved in the case about the time and place of the court session, in addition, there is no recording of the course of the court session both in writing and in the form of audio-recording. In this regard, there is a discussion regarding the implementation of the constitutional principle of adversarial proceedings, which, in turn, is reflected in ordinary court proceedings through the expression of the position of the party to the dispute or its change, stated including orally[3].

In order to avoid violation of the adversarial principle during consideration and resolution of civil cases in the order of simplified proceedings, the legislator has established a special procedure for the provision of evidence and the possibility of familiarization with them for the persons involved in the case. This procedure is ensured by time intervals provided for various procedural actions.

A good example is the term for the submission of evidence by the parties to the court considering the case, as well as sending them to the second party in the case, a third party who has made an independent claim, is 15 calendar days from the date

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[1] July 29, 2021, held a meeting of the Presidium of the Arbitration Court of the Moscow region, which summarized the results of the work of the court staff for the first half of 2021 // Arbitration Court of the Moscow region: [Electronic resource]. — URL: https://asmo.arbitr.ru/node/16278 (date of address: 08.11.2023).

[2] The Code of Civil Procedure of the Russian Federation [fed. law of 14.11.2002 No. 138-ФЗ: adopted by the State Duma: 23.10.2002; ed. of 27.12.2018] // The Collection of Legislation of the Russian Federation. — 18.11.2002. — No. 46. — Art. 4532.

[3] *Sedykh E. O.* Realizatsiya prava na sostyazatelnost i ravnopravie v uproshchennom proizvodstve [The realization of the right to adversarial proceedings and equality of rights in simplified proceedings] // Vestnik magistratury [Bulletin of the Master's Degree Program]. 2019. No. 7-2 (94). Pp. 157–159.

of issuance of the relevant court ruling. A similar term is also provided for cases of submission of objections to the claimed evidence.

Considering the time period within which the parties have the right to provide the court directly considering the case, a party, a third party who has stated an independent claim, with additional documents, the content of which consists in explanations on the merits of the stated claims, as well as in objections justifying their position, it is a time interval of 30 calendar days. The information relating to the time interval at the middle stage, in particular, between the first and the second term, which should be at least 15 days, should be clarified.

Analyzing in the aggregate the above, it seems possible to say that the legislator provides for the persons involved in the case, the right within 15 days to submit to the court and send to each other evidence and subsequently objections to the stated requirements, as well as the right within the next 15 days to present additional evidence, only after the completion of these procedural actions in the aggregate, the court will make a decision by issuing a resolution or proceed to the consideration of the case in the general order at the discretion of the court. At the same time, simplified proceedings facilitating the position of the judiciary in no way detracts from the existing principles guaranteed by law, in particular, the principle of adversarial proceedings in civil cases.

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Recommended citation

Batueva A. B., Melnik S. V. The adversarial principle in the discourse of simplified proceedings. Kazan University Law Review. 2024; 2 (9): 95–97. DOI: 10.30729/2541-8823-2024-9-2-95-97.

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TO THE ISSUE OF TRANSFORMATION OF SEX EDUCATION IN THE CONTEXT OF FAMILY AND EDUCATIONAL LAW ("HUMAN-CENTEREDNESS OF LAW: ISSUES OF SEX EDUCATION IN THE CONTEXT OF LEGAL CONSTRUCTIONS OF FAMILY AND EDUCATIONAL LAW")

DOI: 10.30729/2541-8823-2024-9-2-98-105

Abstract. *The article considers modern trends in the transformation of sex education in the context of family and educational law in Russia. Special attention is paid to the concept of human-centeredness of law as a basis for the development of family relations and the educational sphere. The Constitution of the Russian Federation defines that "children are the most important priority of the state policy of Russia. The State shall create conditions conducive to the all-round spiritual, moral, intellectual and physical development of children, and to fostering in them patriotism, citizenship, and respect for their elders. The State, ensuring the priority of family upbringing, assumes the responsibilities of parents with regard to children without care". In the context of the implementation of strategic documents and legislative changes aimed*

at preserving traditional values and ensuring the safety of children, the prospects for introducing new approaches to sex education into school programs, including through the subject of "Family Studies", are being considered. The specifics of the child's socialization process make it possible to consider work on sex education valid already at preschool age, and it requires continuation at other stages of a child's development. The authors emphasize the importance of respect for individual rights and protection from violations as fundamental principles that influence the formation of relevant legislation and the practice of its application.

Keywords: *sex education, family law, educational law, human-centric law, traditional values, children's safety, school curriculum, family studies, personal rights, legislation.*

Modern Russia is facing an important challenge — to create a more harmonious society in which human dignity and individual rights are central. An important event in the life of the country was the approval on November 9, 2022, by the President of Russia of a strategic document — "The Fundamentals of state policy for the safe custody and strengthening of traditional Russian spiritual and moral values", which took into account, among other things, the proposals of civil society consolidated by its institutions. This work continued in 2023 with the Decree "On amendments to the Fundamentals of State Cultural Policy", aimed at supporting, preserving and developing all branches of culture, shaping the personality on the basis of the inherent value system of Russian society, and the approval on May 17 by the President of the Russian Federation of the "Strategy for the Comprehensive Safety of Children in the Russian Federation for the period up to 2030", which lists changing perceptions of traditional family values among the main threats to the safety of children in Russia. Further, the President of the Russian Federation declared 2024 the Year of the Family in Russia. The corresponding decree of November 22, 2023, was posted on the official portal for the publication of legal acts. In mid-November of the same year, the Deputy, Nina Ostanina, reported that next year a new subject — "Family Studies" — may appear in the school program. Of course, one of the key ways to achieve this aim is to establish human-centeredness as the basis for the development of family relations and education. The human-centeredness of law is a fundamental principle in the field of the legal system that focuses on the human person, their rights, and dignity[1]. At the heart of this approach is respect for the individual, recognition of their rights and freedoms, and protection against arbitrariness and violations. This principle permeates all aspects of law and influences the formation of laws, law enforcement and the judicial system.

[1] *Petrova E., Sokolov V.* (2017). The Concept of Human-Centric Law in Russian Legal Discourse. Moscow Law Review, 5(1), 78–94.

In this article, we will review what sexuality education is today in terms of the legal constructs of family and educational law.

The history of sex education

The concept of sex education has a long history and can be found even in the descriptions of the Great Soviet Encyclopedia. According to this definition, sex education is "a system of medical and pedagogical measures aimed at fostering in parents, children, teenagers and young people the correct attitude to sex issues". The aim of sex education is to promote the harmonious development of the younger generation.

However, it is important to note that in modern society, the understanding, and objectives of sex education may differ significantly from historical perceptions. Today, sexuality education encompasses a broader range of issues, including sexuality education, gender equality, sexual freedom and personal rights.

Sexuality education has been given a new meaning by the emergence of a new category — reproductive rights — that is being actively explored around the world.

Reproductive rights have been internationally recognized since they were enshrined in the Beijing Platform for Action adopted at the Fourth World Conference on Women in 1995. From the notion of reproductive health comes a cluster of rights for both men and women:

— Right to Information: this right provides people with the opportunity to be informed about safe, effective, affordable and acceptable methods of family planning and birth control. Being informed enables people to make informed decisions about their reproductive lives.

— The right to access family planning methods: this right ensures access to safe, effective, affordable and acceptable methods of family planning of each family's choice. This includes the right to choose methods of birth control, taking into account individual needs.

— The right to health care: this right entails access to appropriate health care services to ensure that women have a safe pregnancy and childbirth. It also guarantees that couples are provided with the best possible conditions to care for the health of their newborns.

Information and reproductive rights: the role of sexuality education in legal constructions of family and educational law

Reproductive rights focus on the importance of information and knowledge in the context of sex education and the regulation of reproductive interests. Thus, with information about biological processes and sexual relationships, people can better

understand themselves and their reproductive needs. The importance of sexuality education is emphasized, especially in the context of teenagers, who begin puberty well before adulthood. Education in this area helps teenagers to better understand themselves, their bodies and the rules of safe sex. Reproductive rights also focus on aspects of sexual equality and respect. This includes respect for sexual freedom, consent, and the right of every individual to protect their bodies. Legal constructs in this sphere can help control sexual harassment and violence.

Sexuality education intersects with medical, pedagogical, moral, ethical and aesthetic aspects. In the modern context, it not only teaches children and adolescents about aspects of reproduction and physiology, but also contributes to their understanding of sexual identity, sexual rights and responsibilities.

Sexuality education is a very intimate and controversial issue that should be implemented with great care. The Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, November 4, 1950) provides that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential. It should also be directed to the development of respect for the child's parents, their values and the national values of the country in which the child resides (Article 29 of the Convention on the Rights of the Child). With regard to sex education, all relevant guidelines note that it is normal for all children to be curious about sex. In addition, they note that parents should talk to children's educators in the child's educational setting to determine what information is appropriate for the child's age and maturity. Since all people are unique, have different abilities and absorb information in different ways, it is necessary to determine (parents have the most power in this sphere) when and how much information a child should receive in order to fully and safely explore issues of their gender. One of the most authoritative sources is the United Nations Children's Fund's International Technical Guidance on Sexuality Education (UNESCO. (2021). Guidance on Comprehensive Sexuality Education: A Foundation for Lifelong Learning. Paris: UNESCO Publishing; United Nations Educational, Scientific and Cultural Organization (UNESCO). (2018). International technical guidance on sexuality education: An evidence-informed approach).

Russian legislation on education is devoid of norms obliging to conduct sex education in educational organizations. Article 2 of the Federal Law No. 273-ФЗ of December 29, 2012 "On education in the Russian Federation" enshrines the general concepts:

— education is a single purposeful process of upbringing and education, which is a socially significant good and is carried out in the interests of the individual, family, society and state, as well as a set of acquired knowledge, skills, abilities, competence, values, activity experience and activity of a certain scope and

complexity with the aim of intellectual, spiritual and moral, creative, physical and (or) professional development of a person, fulfillment of their educational needs and interests;

— education — activities aimed at the development of personality, formation of students' industriousness, responsible attitude to work and its results, creation of conditions for self-determination and socialization of students on the basis of socio-cultural, spiritual and moral values and rules and norms of behavior accepted in the Russian society in the interests of the individual, family, society and state, formation of students' sense of patriotism, citizenship, respect for the memory of the defenders of the National Homeland and the exploits of Heroes of the National Homeland, law and order, the man of labor and the older generation, mutual respect, careful attitude to the cultural heritage and traditions of the multinational people of the Russian Federation, nature, and the environment;

— learning — a purposeful process of organizing students' activities to master knowledge, skills, abilities and competence, to gain experience of activities, to develop abilities, to gain experience of applying knowledge in everyday life and to form students' motivation for lifelong education[1];

The content side of the process is defined in the state educational standards, but even in them there is no direct mention of sex education. Order of the Ministry of Education and Science of Russia No. 413 of May 17, 2012, approved the Federal State Educational Standard of Secondary General Education[2]. The focus of the standard is widely disclosed, in particular, to provide education and socialization of students, to create conditions for the development and self-realization of students, for the formation of a healthy, safe and environmentally appropriate lifestyle of students. The concept of a healthy lifestyle covers not only elementary rules of "washing hands before dinner", but also the rules of behavior of a future socially mature member of society, including in the reproductive sphere. By the way, this conclusion follows from the characterization of the "portrait of a school graduate" (P. 5 of the Standard), in which the following elements can be found:

— realizing and accepting the traditional values of the family, Russian civil society, multinational Russian people, humanity, realizing their involvement in the fate of the National Homeland;

— self-conscious as a person, socially active, respectful of the law and the rule of law, aware of their responsibility to the family, society, the state, and humanity;

— who consciously follows and promotes the rules of a healthy, safe and environmentally sound way of life, etc.

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[1] Federal Law "On Education in the Russian Federation" of 29.12.2012 No. 273-ФЗ.

[2] Order of the Ministry of Education and Science of the Russian Federation dated 17 May 2012 No. 413 "On Approval of the Federal State Educational Standard for Secondary General Education".

The standard also describes the requirements for the subject outcomes of the fundamental courses "Biology" and "Basics of Life Safety". If we analyze the content of the BLS course, we can find elements of sex education in it. Thus, a schoolchild should have an idea about a healthy lifestyle, about factors that have a negative impact on health, about the main infectious diseases and their prevention. The basics of sex education should by no means be understood as a certain amount of knowledge about the techniques of sexual relations with all the details and perversions.

Sexuality education in St. Petersburg schools was taught as part of the science curriculum, which led to a series of lawsuits against schools for banning such education without parental consent. Booklets of the Russian Family Planning Association were handed out at classes. On March 2, 2004, the Nevsky District Court of St. Petersburg prohibited school N No. 516 from conducting educational activities related to sex education with respect to plaintiff A.'s child. Another school held lectures on sexually transmitted diseases, at which booklets were distributed. A statement of a lawsuit was filed by one of the parents. However, on June 5, 2003, the Nevsky District Court dismissed M.'s lawsuit in defense of her young daughter. On December 1, 2003, the Judicial Collegium for Civil Cases of the St. Petersburg City Court dismissed M.'s cassation appeal. The arguments of the courts were based on the general principles of the legislation on education, which, incidentally, can be used in justifying both points of view on sex education[1].

In the regional acts of the Republic of Tatarstan we can find the "Program of preparation of persons willing to foster a child left without parental care" (approved by the Order of the Cabinet of Ministers of the Republic of Tatarstan on October 20, 2012, No. 878)[2]. It should be noted that section 9 of the program is devoted to the peculiarities of sexual education of an adopted child. In particular, within the framework of courses for persons who wish to foster a child left without parental care in their family.

The topics covered in this section are:

— Age patterns and peculiarities of psychosexual development of the child, the difference in the manifestations of normal childhood sexuality and sexualized behavior. The forming of sexual identity in the child. Gender role orientation and awareness of gender identity.

— Ways to protect the child from sexual abuse.

— Sexualized behavior of a sexually abused child[3].

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[1] Family Code of the Russian Federation of 29 December 1995 No. 223-ФЗ.

[2] Family Code of the Republic of Tatarstan of 13 January 2009 No. 4-ЗРТ.

[3] Resolution of the Cabinet of Ministers of the Republic of Tatarstan from 20 October 2012 No. 878 "On Approval of the Program of preparation of persons willing to foster a child left without parental care".

Of course, in order for human-centeredness to become the basis for the development of family relations and the educational sphere, support at the legislative level is needed. Russia has already made certain steps in this direction.

However, additional efforts are needed to achieve full human-centeredness. Important innovations and challenges in this sphere include:

1. Inclusiveness and Accessibility:

— *Educational entitlement*: New approaches to sexuality education take into account the diversity of sexual orientations and gender identities. Educational programs are becoming more inclusive, providing information and support for all students regardless of their sexual orientation or gender identity.

2. Consent and Boundaries:

— *Family Law*: Understanding consent and respecting boundaries become key elements in teaching family relationships and sexual rules. Parents and caregivers teach children about conscious consent and respect for personal boundaries.

3. Digital Technology:

— *Educational law*: With the advancement of digital technology, online resources and programs are becoming available to a wider audience. Electronic educational resources provide information on sexuality education and reproductive rights, improving access to knowledge.

4. The role of the Family:

— *Family Law*: Parents become important actors in the process of sex education. Family law recognizes and supports the parental role in transmitting information and values about sexual relationships and reproductive rules.

5. Rights and Responsibilities:

— *Educational Law*: Educational programs become more aware of rights and responsibilities in sex education. Students are explained their rights to information and education in this sphere, as well as their responsibilities in complying with rules and regulations.

6. Supporting Professionals:

— *Education Law*: The professional development of teachers and educators in the field of sex education becomes a priority. Education law provides appropriate support and resources for training personnel.

The transformation of sexuality education in the context of family and educational law is linked to a broader understanding of individual rights, sexual variety and modern challenges, such as the digital environment and changing socio-cultural norms. As a result, human-centered law emphasizes the importance of respecting the rights and dignity of each individual in the context of sexuality education, both in the family and in educational institutions. This principle provides the basis for the development of policies and laws that take into account the needs and rights of each person to be informed and educated about sexuality education.

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Recommended citation

Azizova E. Sh., Bashirova S. G., Valeeva G. A. To the issue of transformation of sex education in the context of family and educational law ("Human-centeredness of law: issues of sex education in the context of legal constructions of family and educational law"). Kazan University Law Review. 2024; 2 (9): 98–105. DOI: 10.30729/2541-8823-2024-9-2-98-105.

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THE INVALIDITY OF LEGAL TRANSACTIONS IN INSOLVENCY (BANKRUPTCY) CASES

DOI: 10.30729/2541-8823-2024-9-2-106-110

Abstract. *In the article, the authors analyze the key aspects of civil law impact on social relations in the field of insolvency (bankruptcy), in particular, the invalidity of legal transactions and the peculiarities of their contestation. The article contains the analysis of legal transactions that entail preferential fulfillment of the claims of certain creditors of an insolvent debtor, the peculiarities, grounds, and conditions of invalidity of such legal transactions are studied. It also examines the norms of the Federal Law "On insolvency (bankruptcy)", taking into account the opinions of practicing lawyers and the analysis of law enforcement practice. Difficulties in providing evidentiary basis for challenging legal transactions in bankruptcy, as well as the lack of law enforcement practice of invalidity of suspicious and preference legal transactions, are considered. With reliance on the theoretical basis, the peculiarities of the consequences of recognizing a legal transaction invalid are disclosed. The content of the mentioned peculiarity is investigated.*

Keywords: *bankruptcy, invalidity of transactions, bankruptcy, debtor's legal transactions, creditor's interests, protection of interests, contesting legal transactions, bankruptcy procedure.*

One of the procedures contributing not only to the opening of the judicial procedure of bankruptcy proceedings and forced sale of the bankrupt's property, but also to the restoration of its solvency, is credit watch. The credit watch as a judicial procedure is introduced by the arbitration court based on the results of checking

the validity of the application of the person on recognizing the debtor as bankrupt, i.e., the court checks the character of monetary claims, their volume, terms of non-fulfillment of monetary obligations and duties. Such procedure solves some tasks:

1. Safeguarding the debtor's property.
2. Analyzing the financial condition of the debtor.
3. Identification of the debtor's creditors.
4. Maintaining a register of creditors' claims.
5. Convening and holding the first meeting of creditors.

These tasks provide a full and comprehensive analysis of the debtor's income, property and legal transactions that he has made over the last 3 years. All these and other activities related to the evaluation and study of legal transactions of the future bankrupt are carried out by the financial (insolvency) manager.

In bankruptcy cases, it is not uncommon to identify legal transactions that do not comply with the rules established by civil legislation. Such legal transactions are invalid on the grounds established by Paragraph 2 of Chapter 9 of the Civil Code of the Russian Federation, by virtue of their recognition as such by the court (voidable legal transaction), or regardless of such recognition (void legal transaction). It is considered that a legal transaction that does not meet the requirements of the law or other legal acts is null and void, unless the law establishes that such a legal transaction is void, or provides for other consequences of violation (Art. 168 of the Civil Code of the Russian Federation)[1].

In anticipation of the debtor's bankruptcy and in the course of bankruptcy proceedings, it is also not uncommon for the debtor or other persons at the expense of the debtor to make legal transactions that do not comply with the rules of the Civil Code of the Russian Federation or the Law on Bankruptcy. If the debtor's legal transactions do not comply with the rules of the Civil Code of the Russian Federation, they are recognized as invalid under the general rules of Paragraph 2 of Chapter 9 of the Civil Code of the Russian Federation. For example, the basis for recognizing a debtor's legal transaction invalid may be the conclusion of a legal transaction in violation of the debtor's legal capacity, if its legal capacity, according to Article 173 of the Civil Code of the Russian Federation, is special[2].

If the debtor's legal transactions contradict the rules of the Law on Bankruptcy, for example, have the aim of unequal counter-performance of obligations by the other party to the legal transaction, or causing damage to the property rights

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[1] Civil Code of the Russian Federation (Part one) from 30.11.1994 No. 51-ФЗ (ed. of 24.07.2023) (with amendments and additions, effective from 01.10.2023) // The Collection of Legislation of the Russian Federation. 1994. No. 32. Art. 3301.

[2] Civil Code of the Russian Federation (Part two) from 26.01.1996 No. 14-ФЗ (ed. of 24.07.2023) (with amendments and additions, effective from 12.09.2023) // The Collection of Legislation of the Russian Federation. 1996. No. Art. 410.

of creditors, or giving preference to one of the creditors over other creditors, they are recognized invalid under special rules of the Law on Bankruptcy. Such legal transactions can be recognized invalid both under the general rules of Paragraph 2 of Chapter 9 of the Civil Code of the Russian Federation, and under the special rules of Chapter III.I. of the Law on Bankruptcy[1]. This follows, firstly, from Article 168 of the Civil Code of the Russian Federation, indicating the law and other legal acts establishing requirements for legal transactions; secondly, it is expressly stated in Paragraph 1 of Article 61.1 of the Law on Bankruptcy: legal transactions made by the debtor or other persons at the expense of the debtor may be recognized invalid in accordance with the statements[2] of the Civil Code of the Russian Federation, as well as on the grounds and in accordance with the procedure specified in the Law on Bankruptcy. In other words, the grounds and procedure for recognizing legal transactions made by the debtor or other persons at the expense of the debtor are special in relation to the rules on invalidity of transactions provided for by the statements of the Civil Code of the Russian Federation.

The consequences of invalidation of a debtor's legal transaction in a bankruptcy case are provided for in Article 61.6 of the Law on Bankruptcy. In accordance with Paragraph 1 of this article, everything that was transferred by the debtor or another person at the expense of the debtor or in fulfillment of obligations to the debtor, as well as seized from the debtor under a legal transaction recognized as invalid in accordance with the Law on Bankruptcy, shall be returned to the bankruptcy estate[3].

If it is impossible to return the property to the bankruptcy estate in kind, the acquirer must compensate the actual value of this property at the time of its acquisition, as well as losses caused by subsequent changes in the value of the property, in accordance with the statements of Chapter 60 of the Civil Code of the Russian Federation on obligations[4].

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[1] Federal Law of 26.10.2002 No. 127-ФЗ (ed. of 04.08.2023) "On insolvency (bankruptcy)" (with amendments and additions, effective from 03.11.2023) // The Collection of Legislation of the Russian Federation. 2002. No. 43. Art. 4190.

[2] Nesostoyatelnost (bankrotstvo): Uchebnyy kurs. V 2 t. [Insolvency (bankruptcy): Textbook. In 2 vol.] / Pod red. d.yu.n., prof. S. A. Karelinoy. T. 2. M.: Statut, 2019. 848 p.

[3] Pravovye osnovy nesostoyatelnosti (bankrotstva): uchebnoe posobie dlya vuzov [Legal bases of insolvency (bankruptcy): textbook for universities] / V.V. Kulakov [i dr.]; pod obshchey redaktsiey V.V. Kulakova. 2-e izd., pererab. i dop. Moskva: Izdatelstvo Yurayt, 2024. 321 p.

[4] Nesostoyatelnost (bankrotstvo). V 2 tomakh. T.1: uchebnyy kurs [Insolvency (bankruptcy). In 2 volumes. Vol. 1: textbook] / E. G. Afanasyeva, A.V. Belitskaya, A. Z. Bobyleva [i dr.]; pod redaktsiey S. A. Karelinoy. Moskva: Statut, 2019. 925 p.

In the case of invalidity of the debtor's legal transactions, the issue of returning property to creditors may have important consequences in the bankruptcy process. Here are some of the possible consequences:

1. Return of property to creditors: If a court finds certain legal transactions of the debtor invalid, it may require the return of property or funds that were transferred as part of those legal transactions. This property or funds can be used to fulfill the claims of creditors in the bankruptcy process.
2. Reducing the debtor's debts: The return of property to creditors may result in a reduction of the debtor's obligations to those creditors in the bankruptcy proceeding. This can improve the debtor's financial statement and reduce the debtor's debt load.
3. Judicial procedures: the issue of returning property to creditors may give rise to court procedures and disputes between the debtor and creditors. The court will make decisions based on evidence and applicable law.
4. Investigation of invalid legal transactions: In bankruptcy proceedings, invalid legal transactions may be investigated to determine whether they were made with the intent to avoid payment of debts or to defraud creditors. This can have consequences for the debtor, including criminal liability if fraud is discovered.
5. Creditor protection: returning property to creditors can help protect creditors' interests by increasing their chances of having their claims honored in a bankruptcy proceeding.
6. Prioritization: in some cases, bankruptcy laws may prioritize the return of property. For example, certain types of creditors may have a priority right to recover funds or property.

The invalidity of a debtor's legal transactions can have a significant impact on the bankruptcy process, and resolution of this issue may require court decisions and additional legal procedures.

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Recommended citation

Soldatov Ya.V., Galkina V.A. The invalidity of legal transactions in insolvency (bankruptcy) cases. Kazan University Law Review. 2024; 2 (9): 106–110. DOI: 10.30729/2541-8823-2024-9-2-106-110.

Journal "Kazan University Law Review"
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The inaugural issue of the journal was launched by the Law Faculty of Kazan Federal University in December 2016. ISSN number: 2541-8823.

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- Citation format: footnotes should conform to the 20th edition of *The Bluebook: A Uniform System of Citation*.

The journal staff may be contacted via e-mail at:

kulr.journal@gmail.com

KAZAN UNIVERSITY LAW REVIEW
Volume 9, Spring 2024, Number 2

Signed to print 04.03.2024
Form 70x100 1/16. Volume 2,5 printed sheets
Circulation 100

Published by LLC “Prospekt”,
111020, Moscow, Borovaya st., 7, building 4

ООО «Проспект»,
111020, г. Москва, ул. Боровая, д. 7, стр. 4

Свободная цена