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Dear readers,

I would like to present for your attention the second regular issue of the journal "Kazan University Law Review" in 2025.

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 Fatemeh Alizadeh, PhD Environmental Law, Assistant Professor of the Department of law, Go. C., Islamic Azad University, and Sayed Fazlollah Mousavi, PhD, Full Professor in International Law of the University of Tehran, Public Law Department, "The approach of international environmental law documents and Iranian law in the development of renewable energies". The authors determine the aim of this article by the identification of factors affecting the implementation of international rules related to renewable energy sources, such as the concept of a green economy, the principle of sustainable development and the principle of management to evaluate the rules developed in the field of renewable energy in the internal laws of Iran, proposals for the application of the principles of the environment in developing ecological policies and the rules related to related renewable energy. The study is based on a scientific methodology. The article makes an attempt to study international documents in the field of renewable energy and internal documents for the mechanisms of sustainable development in solving problems in adopting state policy and the influence of the principle of sovereignty in analyzing the reasons for the lack of state support in the implementation of global development agreements, which determines the scientific novelty of the study.

The issue continues with a study by Yuriy Yumashev, Doctor of Legal Sciences, Professor, Chief Scientific Associate of the International Law Sector of the Institute of State and Law of the Russian Academy of Sciences, "From the history of European private law". The scientist in the study notes that private international law is one of the main tools for regulating private legal relations with the participation of a "foreign element". Its decisive role, the researcher writes, in the processes of the integration of the European Union/European Community can hardly be overestimated, especially considering that their ultimate goal is to create a single domestic market through the free movement of persons, goods, services and capital throughout the Union/Community. However, the author distinguishes, despite the undeniable significance,

private international law is only one element of a broader structure of private law, which regulates civil and commercial transactions in the EU. The article studies the problems that the community faces in the field of private international law in the wider context of the EU efforts to develop the so-called "European private law".

The next research is presented by Siham Derbal, Lecturer Grade A of the Institute of Law and Political Science, University Centre of Maghnia. In the "Legislative Regulations of the Banking Committee in Algeria" study the author mentions that the Banking Committee is a fundamental regulatory and supervisory authority in Algerian banking, since it is aimed at ensuring the stability of the banking sector. The role of this Committee, according to the scientist, consists in monitoring and monitoring of banks and financial institutions and ensuring their compliance with applicable laws. In addition, the Committee plays a key role in protecting the rights of interested parties by promoting transparency and accountability in banks. The functionality of the committee is described, which is responsible for monitoring the degree in which banks and financial institutions observe the legislative and regulatory provisions applicable to them, in addition to its disciplinary role in the punishment that are found. This study is aimed at studying the legal framework of the Banking Committee in the light of new laws by determining its structure and studying the role assigned to it in accordance with the provisions of the last monetary and banking law.

The Conference Review section is opened by the article "Review of the International Scientific and Practical Convention of Undergraduate and Postgraduate Students" Legal Renaissance: A New Era of Jurisprudence", prepared by Zilya Miftakhutdinova, Chairman of the Student Scientific Society, fourth-year student of the Faculty of Law of the Kazan (Volga Region) Federal University. The author view the Kazan (Volga) Federal University in Kazan on November 29–30, 2024 of the IX International Scientific and Practical Convention of Students and graduate students "Legal Renaissance: New Era of Jurisprudence". The event collected young lawyers from Russia and neighboring countries, providing them with a unique platform for discussing current legal issues and exchanging scientific achievements. The agenda of the Convention covered a wide range of legal disciplines and included breakthrough sessions, master classes, modeling process, academic competitions and intellectual games. The participants presented scientific reports and discussed the problems and development prospects of the legal system, demonstrating a high level of competence. The Convention has become an important event in the field of legal education, contributing to a professional dialogue between students, scientists and practices.

This section is completed by the article by Azamat Uteev, Member of the Student Scientific Society, fourth-year student of the Faculty of Law of the Kazan (Volga Region) Federal University, "All-Russian Judicial Debates: How it was in 2025". The

article is devoted to the results of the XXI All-Russian Student Model Trial "All-Russian Judicial Debates — 2025," held on April 25–26 at Kazan (Volga Region) Federal University. It provides a detailed account of the key events, including the award presentations as well as the opening and closing ceremonies. The article also analyzes the geographic reach of the event and outlines the structure and rules of the model trial. As part of the Kazan International Legal Forum ecosystem, the event brought together more than 150 students from 20 of the country's leading law schools. The participants competed in both civil and criminal proceedings, demonstrating practical skills and legal reasoning under conditions closely resembling actual court hearings. Particular attention is given to the educational and professional value of the debates, which were attended by representatives of the legal community, law enforcement agencies, the Bar, and other institutions. The article highlights the role of the event in fostering legal culture and in the professional development of future lawyers.

With best regards,
Editor-in-Chief
Damir Valeev

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CONFERENCE REVIEW

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ARTICLES

Fatemeh Alizadeh

PhD Environmental Law, Assistant Professor of the Department of law, Go. C., Islamic Azad University

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THE APPROACH OF INTERNATIONAL ENVIRONMENTAL LAW DOCUMENTS AND IRANIAN LAW IN THE DEVELOPMENT OF RENEWABLE ENERGIES

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Abstract. ***Objective:*** *to identify the factors influencing the implementation of international regulations related to renewable energy such as the concept of green economy, the principle of sustainable development and the principle of governance in order to evaluate the regulations formulated in the field of renewable energy in Iran's domestic laws, suggestions for applying the principles of law Environment International in developing environmental policies and regulations related to renewable energy.*

Methods: *the research is based on the methods of generalization of scientific and technical information and theoretical analysis used while studying the source materials; axiological and systematic approaches; the formal legal method and, in addition, methods of legal forecasting, primarily extrapolation, which made it possible to highlight the prospects for reforming law due to technological expansion.*

Results: *the approaches of the principles of international environmental law in many international documents in order to implement policies and measures that governments can take in the direction of developing a green economy and economic growth in accordance with environmental considerations, is one of the most effective steps in the development and Legislation is in the internal law of states. In countries*

with rich oil resources based on a single-product economy like Iran, we need to develop laws and policies regarding renewable energy sources as a source with a high and stable capacity in energy production that can make the country dependent on energy sources derived from fuel. Reduce fossil fuels and provide a basis for the development of a resilient economy.

Scientific novelty: *in this article, an attempt is made to study international documents in the field of renewable energy and internal documents to sustainable development mechanisms in solving challenges in adopting government policies and the influence of the principle of sovereignty in analyzing the reasons for the lack of government support in the implementation of global agreements in development. Renewable resources aligned with sustainable development are addressed in international documents such as the United Nations Framework Convention on Climate Change (UNFCCC), Kyoto Protocol, Paris Agreement 2015 and Energy Charter Treaty (ECT), then the legal documents compiled in Iranian law in order to arrive to sustainable development with the approach of development in renewable energy.*

Practical significance: *in Iran, considering the reliance of the economy based on fossil energies and despite the extraordinary benefits in economic development and environmental protection, we see the consumption of 52% of gas resources and 18% of diesel, which indicates the increasing consumption of fossil energies and Finally, it creates all kinds of environmental pollution. In this article, an attempt is made to study the international documents in the field of renewable energy and internal documents to deal with the mechanisms of sustainable development in solving the challenges in the adoption of government policies.*

Keywords: *renewable energy, sustainable development, principle of governance, green economy, international environmental law.*

Introduction

Energy use is vital to human life, yet we have seen global warming over the past 50 years at a 3% increase above the global average. Currently, the concentration of greenhouse gases (GHG)[1] as the main driver of fossil fuel accounts for about 80% of energy consumption in the world. To maintain a 50% chance of avoiding catastrophic climate change, global temperatures should not increase by more than 2 degrees Celsius by 2050, the researchers suggest. Therefore, in order to facilitate sustainable energy for all with the focus on eradicating poverty caused by the lack of energy and also preventing potential climate changes, we need a revolution in global energy in favor of low carbon energy sources. To help with this energy transition, the United Nations has created the Sustainable Energy

[1] Greenhouse gas.

for All (SE 4 ALL)[1] initiative, which aims to promote sustainable energy for all and mobilize commitments to positively transform the world's energy systems. The share of renewable energy in the global energy mix by 2030 shows that the permanent governance of natural resources and energy security policy are serious obstacles to action in creating sustainable energy[2]. In Iran, considering the reliance of the economy based on fossil energies and despite the extraordinary benefits in economic development and environmental protection, we see the consumption of 52% of gas resources and 18% of diesel fuel, which indicates the increasing consumption of fossil energies and ultimately creating types of environmental pollution. Even Iran has not been able to join the group of countries that are transitioning from fossil energy to renewable energy in the production of renewable energy such as solar energy due to direct sunlight and having 300 sunny days[3]. In this article, it is tried to study the international and domestic documents in the field of renewable energy in the adoption of policies and the influence of the principle of sovereignty in analyzing the reasons for the lack of government support in the implementation of global agreements in the development of renewable resources that are included in international documents such as the United Nations Framework Convention United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol[4], the 2015 Paris Agreement[5] and the Energy Charter Treaty (ECT)[6].

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[1] Secretary-General of the United Nations, "Sustainable Energy for All: A Framework for Action — Secretary-General's High-Level Group on Sustainable Energy for All" Framework Report, United Nations, January 2012) (SE4ALL Framework).

[2] *Salimi V., Piri M.* (2023). The legal requirements of the transition from fossil to renewable energy by comparing the legal system of the European Union, China and Iran // Energy Economy Studies Quarterly, 19(77). Pp. 23–57.

[3] Sustainable Energy for All: SEforALL works in partnership with the UN and world leaders to drive faster action towards universal access to energy; *Mashhadi A., Hamedi R.* (2022). Human Rights and the Environment: a Reflection on the Formation and Evolution of "Environmental Human Rights" // International Law Volume 7. Issue 2. Serial Number 12. Autumn 2023. Pp. 242–263.

[4] Protocol to the United Nations Framework Convention on Climate Change, Dec. 10, 1997 U.N. It is an international agreement to reduce the emission of greenhouse gases, which are the main cause of global warming in recent decades. This agreement, which complements and restores the Rio agreement, was formed within the framework of the United Nations.

[5] Also known as the Paris Agreement, this is the United Nations Framework Convention on Climate Change (UNFCCC) on emissions reductions, adaptation and financing, starting in 2020. The text of the agreement was negotiated by the representatives of 195 countries at the 2015 United Nations Climate Change Conference in Paris and approved by consensus on December 12, 2015. It was presented for signing on April 22, 2016 (Earth Day) at a ceremony in New York. As of 2017, 195 UNFCCC members have signed this treaty and 147 countries have approved it in their parliaments.

[6] The Energy Charter Treaty or ECT is a multilateral treaty to establish rights and legal obligations regarding investment, trade and other issues related to energy such as transit, environment and technology transfer at the international level.

1. Analysis of binding and non-binding legal documents in renewable

The binding documents, which are called as hard rights and show the commitment of governments to implement them, in the fields of renewable energy, can be referred to as the Energy Charter Treaty and the Kyoto Protocol as an additional document to United Nations Framework Convention on Climate Change (UNFCCC). This treaty, in its 4th article, obliges the members to submit a list of emissions and absorption of greenhouse gases to the conference of members[1]. The Energy Charter Treaty approved in 1994, based on the European Energy Charter Treaty in Lisbon, is the first global treaty that was approved with the aim of facilitating investment in the energy sector and reducing environmental impacts and removing obstacles in energy trade and transportation. In accordance with Clause D, Article 9 of this charter, attention to environmental aspects and the use of renewable energy sources is emphasized. But what is important in this article is the lack of legal enforcement guarantee for governments in the use of renewable energy sources, which is not seen in this important and comprehensive document due to the emphasis on the development of renewable energy sources. Another international document related to renewable energy is the United Nations Convention on Climate Change approved in 1992. This document emphasizes the commitment of governments to reduce greenhouse gases and cooperation to transfer technological methods to reduce greenhouse gases and transport energy and cooperation to prepare methods compatible with the climate change phenomenon and adopt development policies and plans[2]. This document refers to the concept of joint and different responsibility and requires governments that emit greenhouse gases to cooperate in order to compensate for damages and reduce greenhouse gas emissions. According to the obligations determined in this document, the fulfillment of the obligations of the developing countries to the convention is subject to the effective implementation of the financial obligations and technology transfer of the developed countries[3]. In the context of the terms of this treaty, adaptation to compensation for developing countries that have been severely affected by the adverse effects of climate change or countermeasures resulting from the implementation of revenues from the extraction and export

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[1] *Porhashmi S. A., Arghand B.* (2012). International Environmental Law // Tehran, Dadgstar Publishing. Pp. 611–637.

[2] *Salimi V.* (2023). The legal requirements of the transition from fossil to renewable energy by comparing the system European Union, China and Iran // Faculty of Law, Department of Public Law, University of Tehran. Pp. 50–68.

[3] *Salimi V., Piri M.* (2023). The legal requirements of the transition from fossil to renewable energy by comparing the legal system of the European Union, China and Iran // Energy Economy Studies Quarterly, 19(77). Pp. 23–57.

of fossil fuels of developed countries is emphasized. In the text of the treaty, there is no direct mention of the use of renewable energy, and the adoption of executive policies in this area is left to the national sovereignty of governments, which is one of the challenges facing the global consensus on the obligation to use renewable energy[1]. Among other binding documents related to renewable energy, we can refer to the Kyoto Protocol. According to this agreement, developing countries can help the contracting countries by attracting capital and technology in various fields, including energy saving and fuel substitution, while improving their energy indicators, to fulfill their obligations for Reduce greenhouse gas emissions at a lower cost[2]. This is a binding document for its member states by committing developed states to adopt policies and measures in accordance with national conditions, such as increasing energy efficiency in the relevant sectors of the national economy, protecting and increasing greenhouse gas sinks, encouraging sustainable forms. Agriculture has put the development of research programs and taking measures to use new types of renewable energy sources and cooperation in the process of sustainable development on the agenda[3]. It seems that the obligations related to developing countries, without taking into account the necessary mechanisms, are only envisioned on the use of low carbon resources or reaching the goals of sustainable development without implementation guarantees. Of course, it should be acknowledged that the implementation of decarbonization policies and the use of renewable energy require the transfer of technology from developed countries. This document shows the adaptation of the principle of cooperation and the principle of common but different responsibility to achieve the vision of the Kyoto Protocol. One of the most important executive measures in this document has been to achieve the aims set in the use of renewable resources[4]. For example, in the European Union, in parallel with the economic crisis that led to a decrease in the demand for energy, the use of renewable energies has contributed a lot in reducing the amount of greenhouse gas emissions in achieving the ceiling for reducing the amount of greenhouse gas emissions. Article 12 of the Kyoto Protocol also mentions the clean development mechanism. According to paragraph 2 of the aforementioned article, the purpose of this voluntary organization is, on the one

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[1] *Porashmi S. A., Taqvi L., Perandeh Mutal A.* (2013). Exploitation of renewable energy sources in the legal system of the European Union. 12(3). Pp. 44–37.

[2] *Porhashmi S. A., Sabhaninia M., Ziadkhani S.* (2016). Analysis of the nature of governments' commitments in the 2015 Paris Agreement on climate change // Environmental Science and Technology, 23(11). Pp. 85–98.

[3] *Mousavi S. F., Piri Demaq M.* (2014). The development of renewable energies from the perspective of international law // Energy Law Studies, 1(2). Pp. 285–257.

[4] *Mohammadi M.* (2021). International Law of Renewable Energy, first edition, Tehran: Negh Bineh publishing cultural and artistic institute. P. 55.

hand, to help achieve sustainable development and ultimately to reduce greenhouse gas emissions, and on the other hand, to help developed countries fulfill their obligations in terms of reducing greenhouse gas emissions. In general, it seems that despite the importance of the implementation of the Kyoto Protocol in increasing the amount of development and exploitation of renewable energies and determining the potential capacities of its implementation, there is no obligation and obligation to exploit renewable resources. In the Paris Agreement of 2015, in the agreements approved in the Durban agenda, requirements regarding the use of renewable energy have been approved. On the other hand, the urgent need to strengthen the provision of financial resources, technology and support for capacity building for developing countries in a predictable manner has been emphasized in the 2020 and 2023 summits[1].

1.1. Analysis of principles and concepts related to renewable

1.1.1. Sustainable development

This principle was mentioned for the first time in the Stockholm Declaration of 1972 in principles eight, nine, and eleven. In the second principle of the 1992 Rio Declaration, while emphasizing the objectives of the Stockholm Declaration, the issue of sustainable development has been discussed. The principle of sustainable development is a development process that, while protecting the environment, meets the needs of the current generation without reducing the ability of future generations to meet their needs[2]. In the preamble of the 1992 Climate Change Convention, it is stated that developing countries require access to the resources that are needed for sustainable development, and it also emphasizes the cooperation of all countries to protect the climate system for the present and future generations. Considering the use of renewable energy to replace fossil fuels, this principle has gained double importance (Masdar Solar & Wind Cooperatief U.A. v. Kingdom of Spain, ICSID Case No. ARB/14/1). In order to achieve sustainable development, important measures have been taken in Iran by the Renewable Energy and Electricity Efficiency Organization (SATBA) for the development of renewable energy sources, and in July 2014 we saw important steps in this field[3]. This year, Iran's Ministry of Energy approved the purchase of electricity produced from renewable energy sources

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[1] *Mashhadi A., Hamedi R.* (2022). Human Rights and the Environment: a Reflection on the Formation and Evolution of "Environmental Human Rights" // International Law Volume 7. Issue 2. Serial Number 12. Autumn 2023. Pp. 242–263.

[2] *Małgorzata A. C.* (2013). Renewable Energy Sources: EU policy and law in light of integration. Master's Thesis, Faculty of Law School of Social Sciences Aðalheiður Jóhannsdóttir. Pp. 218–243.

[3] *Emami Meybodi A., Jang Awar H., Nuralhi Y., Satarifar M., Khorsandi M.* (2016). Review and analysis of renewable energy development based on macroeconomic indicators // Quarterly Journal of Strategic Studies of Public Policy, 7(24). Pp. 157–138.

based on new tariffs, which have different rates according to different sources, and the period of electricity purchase, which was limited to 5 years, was extended to 20 years[1].

1.1.2. Green Economy

The close connection between economic and environmental issues has led to the emergence of new approaches in the field of international environmental law, one of the most obvious of which is the green economy. The concept of green economy as an approach to achieve sustainable development by identifying the causes of stagnation and economic crises and combining economic issues with environmental criteria to reduce poverty in the agenda of the Rio+20 Summit in 2012 in the document "The Future We Want" was raised. In this document, it is emphasized to go beyond the traditional economic approach and reach the green economy by observing the principle of fairness and the principle of environmental integration. In the Doha 2023 summit, it has been emphasized on increasing the supply of energy from renewable sources, in addition to the benefits of reducing greenhouse gas emissions, which can reduce the risks caused by the increase in the price of fossil fuels. This process can help to control and reduce poverty. Because in the energy sector, we see two-thirds of greenhouse gas emissions. The findings show that by 2030, the cost of climate change in terms of climate adaptation will increase from 50 billion dollars to 170 billion dollars, and only half of this cost should be provided by developing countries. Also, the difficult situation of many countries as crude oil importers will become an international challenge and crisis with the increase in the price of fossil fuels[2]. Some African countries, such as Kenya and Senegal, allocate more than half of their export income to energy imports, so in these countries we see high average poverty and lack of access to energy resources for all sections of society. In these countries, investing in renewable resources that are locally accessible can significantly increase energy security in many cases, along with developmental, economic, and financial security.

1.1.3. The principle of sovereignty

The principle of state sovereignty is a basic principle in international law. Because governments have the authority to regulate the behavior and consequences of activities within their territory. Including energy-related activities that are only limited by international rules and regulations. This contributes to the tension of the three issues.

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[1] *Daneshvari S., Salatin P., Khalilzadeh M.* (2020). Impact of Renewable Energies on Green Economy // J. Env. Sci. Tech. Vol. 21, No. 12. Pp. 168–179.

[2] *Maqshoodi M., Sadeghi M., Shahni Danesh A.* (2014). The 21st Annual Conference of the Parties to the United Nations Climate Change Convention, Vice President of Human Environment, National Climate Change Plan Office. Pp. 12–41.

A — Internationalization of domestic issues;

F — Permanent sovereignty over natural resources;

C — The principles of international environmental law, such as the principle of harmlessness.

Sovereignty and jurisdiction are not absolute, and it is argued that sovereignty over natural resources is not completely without limitations. Rather, it can be changed by environmental obligations that are directly or indirectly effective in the energy production process. Therefore, with this natural evolution, the international legal system can adjust the composition of energy supply based on the aims of sustainable energy for all (SE4ALL). Because the countries regularly implement binding international arrangements on issues that are usually in the domestic jurisdiction, in practice with their voluntary actions, they limit their sovereignty in a way[1]. For example, governments have concluded more than 500 multilateral environmental agreements due to the need for collective efforts to address the transboundary effects of domestic activities that effectively affect permanent governance. And it has made the compliance of decisions and policies mandatory. Even with the agreement obligations of the countries, they have accepted the agreements that impact the domestic economic and commercial choices. Among these international regulations are activities related to fossil fuels and nuclear energy, which is a significant step forward towards the responsible management of natural resources. Considering the obligation of customary international law not to cause transboundary harm to other countries and the emphasis of international environmental documents on the rational and reasonable use of land and exploitation of resources without harming other states, especially in the field of transboundary pollution, and the commitment to the principle of cooperation in protecting the global environment, the consequences of fossil fuels caused by energy production activities that cause the emission of high levels of greenhouse gases and the potential reduction of natural resources have been able to be sufficiently included in the scope of environmental damage. Therefore, establishing international responsibility will remain an open question. Because it can be an incentive to adopt low-carbon policies, the performance of governments in obligating the obligations arising from the reasonable exploitation of the land to benefit from renewable energies is not developed enough.

2. Result and discussion

2.1. The capacity of renewable energy resources in Iran

The fuel cost of thermal power plant infrastructure in Iran is 30 billion dollars annually, but due to old and inefficient transmission and distribution infrastructure,

[1] *Laurent B., Mallard A.* (2020). Labelling the Economy (Qualities and Values in contemporary Markets) // Springer Nature Singapore PTE Ltd. Palgrave Macmillan. Pp. 54–74.

it loses a significant percentage of this 30 billion dollars every year. Excessive reliance on fossil fuel resources in Iran has caused the government to allocate a huge amount of money to subsidize fossil resources. Iran's regional geography has many capabilities for the use of renewable energy, but for the transition from fossil energy to renewable energy, it needs to formulate regulations and support policies and international obligations. With a land area of 1,846,195 square meters, sea areas in the north and south, mountainous areas, and desert areas, Iran will be able to create a variety of renewable energy portfolios[1]. Maps of solar radiation in the world show that Iran has about two thousand kilowatts per square meter of annual radiation, which is higher than the world average. On average, in the world, the power plant capacity supplied by renewable energy is 30%, and in some countries this number has reached 80%, but in Iran, the use of renewable energy covers only 1% of the country's power plant capacity[2]. Iran has suitable capacities in the field of energy production from renewable sources, so that the production capacity of solar, wind, biomass, and small hydropower in the country is 60000, 30000, 3500, and 49 megawatts, respectively[3].

2.2. Laws and regulations of renewable energy development in Iran

In Iran, in addition to the existence of vast sources of fossil fuels, due to its great ability to use renewable energies such as wind, sun, biomass, and geothermal, the legislator has developed macro and upstream laws, normal, and program laws. A principled approach such as sustainable development centered on the green economy in the formulation of laws related to the development of renewable energy, including in the law regulating part of the government's financial regulations approved in 2010, which includes incentive packages for the private sector to produce electricity from power plants that use renewable energy, indicates the use of the approaches of the principles of international environmental law in the formulation of laws. Among the other approved laws, we can refer to the Energy Consumption Pattern Amendment Law approved in 1389. Article 9 of this law is on the development of the use of new energy conversion technologies in different sectors in order to optimize fuel consumption by using the capacity of different regions as a task that has been specified for the Ministry

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[1] *Daneshvari S., Salatin P., Khalilzadeh M.* (2017). The impact of renewable energy on green economy // Environmental Science and Technology, 21(12). Pp. 178–168.

[2] *Dabiri F., Taqvi L., Pourhashmi S. A., Zarei A.* (2012). Comparative study and investigation of ineffective legal aspects of development and application of renewable energies // 28th National Electricity Conference.

[3] *Attabi F., Nazimi M., Sadighi A., Tavakoli N.* (2007). Examining the obligations and regulations of the climate change convention and evaluating its implementation in the Islamic Republic of Iran // Science and Technology, 12(2). Pp. 153–147.

of Petroleum[1]. One of the appropriate legal approaches in the guaranteed purchase of electricity from non-governmental producers that use renewable energy sources such as wind, solar, geothermal, water, and marine energy and biomass (including waste, agricultural waste, forestry, waste, and urban, industrial, livestock, biogas, and biomass) to produce electricity is in Article 62 of this law. The consumption pattern modification law of 2019 is also one of the most effective and practical steps in the field of using renewable energies in the path of sustainable development. Among other legal examples, we can refer to the statutes of the Organization of Renewable Energy and Energy Efficiency (SATBA) approved in 2013, which was formed from the merger of Iran's Energy Efficiency and New Energy Organizations with the aim of creating a centralized organization. In the statutes of this organization, goals such as developing the use of renewable energy to 1% in meeting the country's electricity needs from renewable sources until the end of the fourth plan, as well as attracting 55% of the private sector and developing the market of new technologies in the field of new energy and creating a mechanism for entering these technologies to the country's business market and culture building in the field of using new energies with 75% coverage and finally using technology development plans and platforms in the field of increasing international communication and improving the level of innovation, which is a practical step in realizing the goals of sustainable development. And the approach of the economy is green, it is emphasized[2]. One of the most effective and important laws that has shown the new perspective of policymaking in the field of renewable energies and the transition from fossil energies is the Clean Air Law approved in 2016, which in Article 19 of this law obliges the Ministry of Energy to develop, produce, and supply renewable and clean energy has increased by thirty percent annually, which is the best practical approach of the legislator in realizing policies related to the principles of responsible and committed governance in achieving sustainable development goals. In Article 48 of the Law of the Sixth Development Plan, the government is obliged to implement plans for the collection, containment, control, and exploitation of gases associated with production and burning in all oil fields and oil facilities through the private sector, which can be achieved by attracting investment. The guaranteed purchase of electricity has taken a step towards the transition from fossil energy to renewable energy[3].

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[1] *Akhwan Fard M., Tagdir K.* (2010). The International Responsibility of the Government Based on the Energy Charter Treaty, Journal of International Law // Presidential Center for International Legal Affairs, 27(42). Pp. 15–29.

[2] *Daneshvari S., Salatin P., Khalilzadeh M.* (2017). The impact of renewable energy on green economy // Environmental Science and Technology, 21(12). Pp. 178–168.

[3] *Salimi V., Piri M.* (2023). The legal requirements of the transition from fossil to renewable energy by comparing the legal system of the European Union, China and Iran // Energy Economy Studies Quarterly, 19(77). Pp. 23–57.

The last will of the legislator in the direction of the development of renewable energies in the context of sustainable development is related to the law on removing barriers to the development of the electricity industry, according to which the two ministries of energy and industry, mining and trade, have tasks to build renewable and clean power plants. The location of the internal sources of the industries has been specified, as well as the government's incentive policies for the guaranteed purchase of electricity, which is emphasized in Article 17 of this law, which is also emphasized in the law of leapfrogging knowledge-based production in Article 16, which supports renewable energies. It has specified something for the development of the market in industries and the production of clean electricity for the annual consumption equivalent to one percent of the electricity required by the country through the construction of renewable power plants[1].

2.3. Iran's development policies in the exploitation of renewable energies

In Iran, there are many players in the development of renewable energy, and this is one of the challenges facing the realization of the principles of international environmental law in formulating policies and implementing laws related to sustainable development. Because there are different institutions and ministries in the formulation and implementation of laws related to the development of renewable energy, which has made it difficult to coordinate and determine the tasks of the institutions for the implementation of the approvals. In Iran, in accordance with Article 5 of the Consumption Pattern Reform Law approved in 2009, the Supreme Energy Council is responsible for setting a grid in the country's energy sector, including renewable energies, and optimizing the production and consumption of various types of energy carriers[2]. Based on the general policies of the system, the existing policies, and the decisions of the Supreme Energy Council, various players in the field of renewable energy perform their duties in formulating the required policies and implementing them. The Ministry of Energy has been in charge of renewable electricity, and the Ministry of Oil has been in charge of renewable fuel and heating. Renewable energies and their development have been stated and specified in the upstream documents of macropolicies, policies, laws, and numerous guidelines of the country[3].

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[1] *Rezaei A.* (2016). The rights and obligations of countries in exploiting marine renewable energies // Public Law Research, 18(54). Pp. 371–347.

[2] *Mashhadi A., Hamedi R.* (2022). Human Rights and the Environment: a Reflection on the Formation and Evolution of "Environmental Human Rights" // International Law Volume 7. Issue 2. Serial Number 12. Autumn 2023. Pp. 242–263.

[3] *Shafipour M., Safar N.* (2017). The future we want, the achievement of the United Nations Conference on Sustainable Development // The Sustainable Development Office of the Environmental Protection Organization. P. 77.

3. Conclusion and recommendation

In the international arena, steps have been taken to promote renewable energy, such as the Rio Declaration in 1992, which introduces the concept of sustainable development, or Agenda 21 in 1992, which proposes recommendations for governments at national levels. And the Rio +20 statement, in the form of "the document of the future we want," deals with the importance of renewable energy and low-carbon economies. The Johannesburg Executive Plan and the G8 Action Plan (2005) and the Beijing Declaration on Renewable Energy for Sustainable Development, which all call for measures to promote renewable energy and the transfer of environmentally friendly technologies, are among other international documents. On the other hand, in international treaties such as the United Nations Convention on the Law of the Sea in 1992, to recognize the sovereign rights of governments in the economic exploitation and exploration of natural resources in their exclusive economic and territorial zones, which include energy production from renewable energy sources. And the ocean is also there, and the right to build a turbine is emphasized, subject to the obligation to respect the rights of other countries. Also, the United Nations Framework Convention on Climate Change (UNFCCC), whose ultimate goal is to reduce climate change and sustainable development, requires member countries to adopt measures to reduce climate change and to transfer environmentally friendly technology. Bio emphasizes the Kyoto Protocol, which commits developed countries to binding targets to reduce greenhouse gas emissions. The obligation to implement compatible plans for clean development in the fields of renewable energy and joint implementation plans is one of the approaches of this protocol as hard rights. Looking at the existing international documents, we find that the legal documents related to renewable energy are insufficient, and the need for a multilateral treaty in the field of renewable energy promotion seems necessary. In Iran, the development of renewable energy has been specified in various forms in the general policies and policies of the system. In the vision document of the Islamic Republic of Iran in the horizon of 1404 (the twenty-year vision document) and the general policies of the program, it is also necessary to create diversity in the country's energy resources and use them in compliance with environmental issues and try to increase the share of new energies and create power plants, such as wind and solar, as foreseen in the development plans, and currently, the Renewable Energy Organization has taken effective steps by providing facilities for the production of electricity from solar energy.

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FROM THE HISTORY OF EUROPEAN PRIVATE LAW

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Abstract. *It is well known that private international law (PIL) is one of the main instruments for regulating private legal relations involving a "foreign element." Its crucial role in the integration processes of the European Union/European Community can hardly be overestimated, especially considering that their ultimate aim is the establishment of a single internal market through the free movement of persons, goods, services, and capital across the entire territory of the Union/Community.*

However, despite its undeniable significance, PIL constitutes only one element of the broader private law framework governing civil and commercial transactions within the EU. Therefore, it seems appropriate to examine the challenges faced by the Community in the field of PIL in the broader context of the EU's efforts to develop a so-called "European private law". This initiative is inherently fraught with contradictions, as EU law, by its very legal character, is public law. In this regard, it is necessary to undertake a historical overview of the issue in order to better understand the underlying preconditions that have prompted the formulation of this complex objective, as well as the obstacles the Community encounters in pursuing its realization.

Keywords: *private international law, principles of private international law, private legal relations, foreign element, EU.*

The Origins of Western European Private Law

(Ius commune and the Glossators)

The legal systems of modern Western European states are the product of a centuries-long historical process, marked by the interpenetration of the cultures of various peoples inhabiting Western Europe. Despite the diversity of these legal

systems and their often fundamental differences, they share common roots: Roman law, codified by Justinian in the mid-6th century AD, and the canon law of the Catholic Church. Legal historians refer to the phenomenon whereby Western Europe adopted the "reborn" Roman law, as compiled by Justinian, together with canon law, as the "reception of Roman law". Its origins are traditionally traced back to the 12th century — the so-called "first European Renaissance" — when legal schools and universities began to emerge and undertook the study, systematization, and scholarly treatment of Roman and canon law as the subject of "both laws" (utrumque ius). From that time on, utrumque ius gained pan-European significance as a universal legal order.

However, this development was preceded by a six-century "pause", or caesura — in the apt expression of the German scientist Wieacker — which followed the fall of Rome in 476 AD and whose significance for modern Western European law can hardly be overstated. Strictly speaking, the collapse of the Western Roman Empire had begun long before 476, under the pressure of Germanic tribes and the sweeping movement known as the Great Migration of Peoples. This was the era in which the languages and nations of Western Europe began to form. Barbarian Germanic tribes — such as the Burgundians, Visigoths, Ostrogoths, and Franks — were allowed to settle within the imperial frontiers (limes), and their settlements, often organized into separate administrative districts, frequently occupied as much as two-thirds of the provinces in which they were located. Under these conditions, the cultural level of the empire declined sharply, while elements of Latin Europe and the tribal cultures became increasingly intertwined — developments that inevitably brought fundamental changes in the legal sphere.

The Empire could not help but recognize the customary laws of the tribes that had become part of it and, consequently, had to regulate intra- and intertribal relations according to *the principle of personal law*. Thus, already in the declining days of the Roman Empire, *a system of personal laws* emerged, which would later prove to be of considerable practical significance[1]. Another result of this development was the barbarization of Roman law. In the late 5th and early 6th centuries, three major compilations of what might be called "corrupted" Roman law appeared: the Edicts of the Ostrogothic kings, the Lex Romana Burgundionum

[1] See, for example, *Vinogradov P. G.* Rimskoe pravo v srednevekovoy Evrope [Roman law in medieval Europe]. M.: Izd. A. A. Kartseva, 1910. P. 5; *Hattenhauer H.* Europaeische Rechtsgeschichte [European Legal History]. Heidelberg, 1992. S. 21 ff. In particular, after the fall of the Western Roman Empire and the formation of the "barbarian kingdoms", the Romans were granted the right to resolve civil cases according to their own law. And in modern history, during the colonial period, subjects of metropolitan countries were subject to their own law, unlike local residents of the countries in whose territory they lived.

(Roman Law of the Burgundians), and the Lex Romana Visigothorum (Roman Law of the Visigoths). The Visigothic compilation became the principal source of Roman law in Western Europe throughout the first half of the Middle Ages[1]. Overall, the most significant feature of European legal history during this period is that Roman law was initially known only in the form of imperial decrees and the simplified jurisprudence of the post-classical era.

The Catholic Church had no less, if not more, influence on the revival of legal culture in the West. Since the time of Constantine the Great, it had taken on many public, social, and moral functions. In the Church, the young people saw how, "in an unfathomable, divine way", Rome and Roman law continued to exist "in flesh and blood", even though the Empire had disappeared. Christianity exerted a decisive influence on the development of European legal thought even in cases where legislators and jurists hardly realized the interdependence between Christianity and law. It was typical of the early Middle Ages that the dissemination and editing of written law (which meant Roman law) were entirely carried out by those with a church education, which was always connected with monastic and theological schools[2]. This meant, among other things, that any written form of a precedent, law, protocol, or document was tied to the language of the Church (that is, Latin). The forms of legal transactions of vulgarized Roman law became part of the very "flesh and blood" of early medieval European legal culture. During those "dark ages", the Church remained the principal guardian of the Roman legal tradition[3]. Moreover, it was the Catholic Church, through its missionary activities, that spread knowledge of Roman law to even the most remote corners of medieval Europe after the fall of the Western Roman Empire, since basic knowledge of Roman law — as an essential part of the classical heritage — was a required element of priests' education.

The same tendency can be observed in the area *of procedural law*. Its development generally followed the development of substantive law and often influenced the formation of the latter.

After the fall of Rome, ecclesiastical courts — unlike the courts of the Germanic tribes — remained, so to speak, "pan-European" courts. All believers, regardless of their national origin, were subject to their jurisdiction. This applied primarily to matters of marriage, family, and inheritance. Not least among the reasons for this

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[1] This is the so-called "Breviary of Alaric", 506. For a brief summary, see, for example, *Vinogradov P. G.* Rimskoe pravo v srednevekovoy Evrope [Roman law in medieval Europe]. M.: Izd. A. A. Kartseva, 1910. P. 5 and following.

[2] What we today call the teaching of law included at that time the general preparation of the priest for the performance of his spiritual, ecclesiastical and secular functions.

[3] It is no coincidence that the Ripoir Pravda notes that "the Church lives on Roman law" — *Stein P.* Roman Law in European History. Cambridge, 2004. P. 40.

was the fact that only the clergy, as mentioned above, were the principal bearers of literacy and written knowledge in that period[1].

In general, it should be emphasized that the Church actively developed its own law based on Roman law, drawing both on its general principles and on specific issues directly related to faith and the clergy[2]. The tendency toward the formation of canon law can be traced from the end of the 5th century. By the 9th century, compilations appeared that included Roman legal materials concerning the Church, such as the Lex Romana Canonice Compta[3]. However, such collections were still occasional and fragmentary.

Along with the development of the legal aspects of the functioning of the Catholic Church, significant changes were also taking place in its political status. These changes were due, not least, to the energetic and ascetic activity of Pope Gregory I the Great (540–604). Under his leadership, the material foundation of papal authority was finally established. The Church became the richest landowner in Italy. He restrained the Lombard expansion and converted them to Catholicism[4]. Most importantly, in 603 he secured from the Byzantine Emperor Phocas the recognition of Rome as the "head of all churches" (caput omnium ecclesiarum) of the Western Roman Empire. In other words, Gregory I sought not only to complete the construction of religious universalism in the West and to elevate the status of the Roman Catholic Church, but also to ensure its political independence from the will of secular rulers — something that would later be fully realized by Gregory VII. It was under Gregory I that the people of Rome for the first time elected a pope as Pontifex Maximus. As a result of his administrative, organizational, and economic efforts, as well as his missionary work among the Germanic tribes, the foundation was laid for both political universalism and the Christianization of European law. Thus, a new center of supreme authority was established in Rome: the papacy. The Catholic Church became an independent political force. It is believed that with the pontificate of Gregory I (590–604), Christian antiquity came to an end and the Middle Ages

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[1] Almost 90% of educated Europeans of the early Middle Ages were educated in monasteries, which for six centuries were the only educational institutions in the West — *Azimov A.* Temnye veka. Rannee Srednevekovye v khaose voyn [Dark centuries. Early Middle Ages in the chaos of wars]. M.: Tsentrpoligraf, 2006. P. 119.

[2] For example, the legal status of monks, which is discussed in the "Novels" of Justinian's compilation. In principle, since the time of Constantine the Great, the regulation of church affairs became a branch of imperial legislation — *Pereterskiy I. S.* Digesty Yustiniana. Ocherki po istorii sostavleniya i obshchaya kharakteristika [Justinian's Digests. Essays on the history of compilation and general characteristics]. M.: Gosyurizdat, 1956. P. 25.

[3] *Stein P.,* op. cit., p. 40.

[4] Most of the Germanic tribes converted to Christianity adhered to the Arian teaching.

began[1]. They opened with a sense of Christian unity across Europe and a desire to preserve it. At the same time, however, the political autonomy of the Catholic Church gave rise to an intensification of the struggle between the papacy and secular power.

Finally, the third element of the legal infrastructure of early medieval Europe was *"local (proprietary) law" (ius proprium)*, that is, the customary law of the Germanic tribes, along with the statutes of urban communes and communities[2]. The invasions of the Goths, Lombards, and Franks into the provinces of the Empire brought with them numerous legal customs of the conquerors. These customs differed not only from Roman law but also from one another, reflecting distinct tribal and local traditions. Of course, this led to complications, especially when members of different tribes engaged in transactions with each other, as each followed its own law. Gradually, local customs became a defining feature of the early Middle Ages. Although oral tradition persisted, written customs and the compilation of official collections increasingly came to coexist with it. This contributed to a certain degree of legal stability and to the gradual displacement of those customary norms that contradicted the codified and officially sanctioned ones[3]. The Salic and Ripuarian Laws (Pactus Legis Salicae and Lex Ripuaria) and Lombard law were based almost entirely on their own tribal principles, although their texts were recorded in Latin. Despite the fact that Roman law remained "foreign" to them, Roman legal traditions began to penetrate these legal systems, primarily under the influence of the Christian Church (especially in the procedural sphere) and due to the need to regulate civil transactions. Such transactions increasingly relied on extensive borrowings from Roman legal norms to fill the gaps in local law in these areas[4].

In this context, it is also worth mentioning Charlemagne's "capitularies"[5]. These documents cannot be considered legislative acts in the modern sense of the term. Rather, they were imperial decrees — a motley collection of judicial decisions, proclamations, and both public and private agreements. They also bore a distinctly religious character. Charlemagne was strongly influenced by his spiritual mentor Alcuin and was convinced that, in creating his empire, he was building St. Augustine's

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[1] *Rozhkov V. S.* Ocherki po istorii rimsko-katolicheskoy tserkvi [Essays on the history of the Roman Catholic Church]. Izdatelstvo: M.: Dukhovnaya biblioteka, 1998. P. 53.

[2] Some modern scholars believe that the term was borrowed from the "institutions" of Justinian's Corpus iuris civilis ("quod quisque populus ipse sibi ius constituit, id ipsis proprium civitatis est vocaturque ius civile, quasi ius proprium ipsius civitatis" (Institutiones, 1.II.1). See, for example, *van Caenegem R. C.* An introduction to private law. Cambridge, 1992. P. 46.

[3] Ibid, p. 36.

[4] *Vinogradov P. G.,* op.cit. p. 18.

[5] "Capitularies" — separation of an act into chapters, parts, sections, paragraphs, etc. From the Latin capitulum.

City of God on earth[1]. This vision was reflected in the capitularies. Their relevance to this paper lies in two main aspects. First, they introduced elements of Christian ethics into the customary laws of the Germanic tribes and sought to shape their daily lives according to the principles of mercy. Legally, the capitularies equated "sin" with "wrong" and regarded "virtue" as synonymous with "right"[2]. This served as an effective tool for enforcing native law through Christian conceptions of morality. Secondly, unlike ius proprium, which was based on the principle of personal jurisdiction, the capitularies represented a form of territorial law. This led several scholars to regard the capitularies as the first body of law worthy of being called "common" (ius commune), especially given the ongoing process of tribal assimilation and the evolution of their Germanic languages into various dialects of folk Latin[3]. This conclusion is well-founded, as Charlemagne succeeded — at least temporarily — in uniting the Western world both politically and spiritually. For him, the main purpose of political authority was to serve the Church. He viewed faith as the sole justification for political power, and through his rule, he effectively sanctioned the fusion of spiritual and secular spheres — a hallmark of the medieval era. Later, the papacy, building on this conception of social order, would assume the mission of unifying Europe.

Thus, in the early Middle Ages, three forms of law emerged, laying the foundation for the development of the legal systems of modern European states: barbarized Roman law, canon law, and the customary laws of the Germanic tribes (notably the Franks and Lombards). These three legal systems lacked proper systematization, and their content was often fragmented or inconsistent. Nonetheless, they actively interacted with one another. As a result of this convergence, a clear tendency toward the "Romanization" of local law emerged — through both the preference for Latin-written law and the gradual transformation of the European continent into a unified "Christian republic" — that is, a Christian state.

Nevertheless, ius proprium retained its autonomy, which raised the issue of its relationship with both barbarized Roman law and canon law.

In practice, a compromise presumption emerged: that the norms of Roman law, being more general in nature, should prevail — unless there was evidence limiting their applicability[4].

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[1] The government in the Carolingian Empire was in the hands of the clergy to an even greater extent than in the Empire of Constantine the Great. Bishops, along with the nobility, participated in local government. And the so-called "Royal Chapel", consisting of priests, took upon itself a large part of the state administration as a whole — *Rozhkov V. S.*, op. cit., p. 59 et seq. On Augustine's "Kingdom of God", see also *Gerye N.* Blazhennyy Avgustin [Blessed Augustine]. M., 2003. P. 340 et seq.

[2] These views formed the basis of the "moral theology" developed by the church in the XVI century.

[3] *Stein P.,* op.cit., p. 49.

[4] *Schlosser H.* Grundzuege der neueren Privatrechtsgeschichte [Fundamentals of modern history of private law]. Heidelberg, 2005. P. 5.

Roman Law and the Glossators

So, the first six centuries of the painful and difficult formation of the private law of modern Europe were not in vain. The bizarre intertwining of antiquity, Christianity, and the customs of ancient Germanic tribes gave birth to a new cultural phenomenon, one of the characteristic features of which was unity in diversity.

From this point of view, the turning point in the history of European civilization came in the XI–XII centuries. It was during this period that fundamental changes took place in the socio-economic and intellectual development of Europe. They were the result of an unprecedented economic upsurge, the intensification of international and cultural exchanges associated with the Crusades, the expansion of monetary circulation and communication routes, and the formation of the rudiments of modern statehood by the Holy Roman Emperors of the Hohenstaufen dynasty in southern Italy and Sicily, and by the French kings in the territory of present-day France[1].

But most importantly — and this should be emphasized in the context of this paper — cities and their populations were growing rapidly, and the first universities emerged. They marked the flourishing of intellectual life, which found its most vivid expression in scholastic philosophy and in the development of abstract principles of reasoning — characteristic of the spiritual development of continental Europe, as opposed to the pragmatism and concrete thinking of the Anglo-Saxons[2].

At the same time, it should not be forgotten that the development of universities in medieval Europe took place under the auspices and control of the Church. The Church also realized the idea of European unity in the XII–XIII centuries, having triumphed over secular power in the struggle for (political) investiture during the pontificate of Gregory VII[3]. The movement he initiated — for the political primacy of the Church not only in spiritual but also in temporal matters and for its independence from secular authority — fundamentally changed Western Christianity and eventually led to the separation of Church and state, something unknown to either Byzantine Orthodoxy or Islam. This development left the most visible mark on European Christendom[4].

The activity of Gregory VII is commonly referred to as the "Gregorian Reform" or the "Papal Revolution". In legal terms, it led to the expansion of papal jurisdiction

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[1] See, for example, *Kolesnitskiy N. F.* Svyashchennaya rimskaya imperiya: prityazaniya i deystvitelnost [Holy Roman Empire: claims and reality]. M.: Nauka, 1977. P. 169; *Sculze H.* Staat und Nation in der Europaeischen Geschichte [State and nation in European history]. Muenchen, 1999. Pp. 31–32.

[2] *Zhilson E.* Filosofiya v srednie veka [Middle Ages Philosophy]. M.: Respublika, 2004. P. 577.

[3] Gregory VII (c. 1020–1085), Pope from 1073 to 1085. He is called the "spiritual architect of the Middle Ages".

[4] *Le Goff Zh.* Rozhdenie Evropy [The birth of Europe]. Izdatelskiy dom Aleksandriya, 2008. Pp. 98–99.

not only over matters of faith and morality but also over the civil legal sphere — in particular, in matrimonial, family, and inheritance matters. The division, coexistence, and interaction of secular and ecclesiastical jurisdictions became a key source of the Western legal tradition[1].

Law, as an integral part of the cultural revival of Western Europe, came to play a leading role in university education. This was largely facilitated by the rediscovery in the XII century of the complete Corpus Iuris Civilis, codified by Justinian, and by its analysis and synthesis through the methods of scholastic philosophy. Roman law provided most of Europe (including England) with a significant portion of its legal vocabulary, and the scholastic method has remained the dominant mode of legal thinking in the West to this day[2].

Traditionally, legal historians distinguish three stages in the reception of Justinian's Corpus of Roman Civil Law by European legal thought and positive law. These stages differ from one another both in their approaches and in their methodologies: in the XII–XIII centuries — by the glossators; in the XIV–XV centuries — by the commentators (or "post-glossators", as some Russian legal historians continue to call them); and in the XVI–XVII centuries — by the humanists.

Glossators. The initial awakening of interest in the study of law led to the establishment of four centers of legal instruction — in Provence, Lombardy, Ravenna, and Bologna. Among these, the Bologna School of Law, which developed at the University of Bologna, achieved worldwide renown thanks to the glossators' innovative approach to studying and teaching the Corpus Iuris Civilis.

The University of Bologna was the first university in Europe. It differed from the other oldest European universities in that it was not founded by a formal act of either ecclesiastical or civic authorities but arose more or less spontaneously in response to the needs of law students for an independent organization through which they could receive quality education and a universally recognized qualification. The university corporation was composed solely of students, while the professors formed a separate collegium of doctors. For a time, the University of Bologna served as a model — a prototype of the medieval university — governed by students who hired professors to teach them. Although the university included other faculties, such as theology

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[1] Zapadnaya traditsiya prava: epokha formirovaniya. Perevod s angliyskogo [Western tradition of law: the era of formation. Translation from English] / *Berman G. D.* M.: Izd-vo MGU, 1994. P. 106. There the author notes that until 1075 the jurisdiction of the pope over the laity was subordinate to the jurisdiction of the emperor and kings.

[2] *Berman G. D.,* op. cit., p. 127. On Roman legal terminology in English law, see, for example, *Borowski F., du Plessis P.* Roman law. Oxford, 2005. P. 387 et seq. On the scholastic method in the study and application of law, see *Berman G. D.,* op. cit., p. 135 et seq.; *Le Goff Zh.* Intellektualy v srednie veka [Intellectuals in the Middle Ages]. M., 1997. P. 112 et seq.

and medicine, the faculties of civil and canon law held undisputed primacy. Their influence steadily grew throughout the XII century, and they eventually merged. Another distinctive feature of the University of Bologna was that, in an age when education was essentially a function of the Church, teaching at Bologna remained free from ecclesiastical control for more than a hundred years. This undoubtedly contributed to the university's independence[1].

By the end of the XII century, Bologna's status as the European center of jurisprudence — the "mother of law" — had become indisputable, attracting thousands of students from across the continent[2]. For the first time since the fall of Rome, law became an independent discipline in the West thanks to the University of Bologna. Those who successfully completed the demanding course of study were awarded the qualification of a professional jurist. It is no coincidence, then, that the XII century is known as the "legal century".

This was also greatly facilitated by the rediscovery of the Digest in Northern Italy, as it largely reflected the content of Roman law as a whole. The Digest became the main subject of study, elaboration, and teaching by private law glossators at the University of Bologna[3]. They saw their principal aim in adapting the sources of Roman law to the needs of their time through interpretation. This approach to the analysis and study of Justinian's compilation was dictated by the spirit of the age. For medieval people, with their religious consciousness, to exist meant to participate in "eternity". Time was considered the domain of God and immutable. Moreover, Roman law, as they understood it, was founded on natural reason and the principles of equality. For them, it was a fragment of divine light that the Almighty

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[1] The origin of the "Bologna School of Law" is attributed to the beginning of the teaching of Roman law at the University of Bologna by Irnerius (d. 1130) at the end of the XI century (around 1088) at the invitation of Duchess Matilda of Tuscany, a friend of Pope Gregory VII. Irnerius, however, (as well as his students and followers) supported secular power, for which he was excommunicated from the church. It is no coincidence that in 1154/55, in gratitude for support in his struggle with the Pope for investiture, Frederick Barbarossa granted students and teachers of the University of Bologna special privileges, similar to those of the guild: they included, in particular, the right to self-government and independence from city authorities. Only in 1219 did the archdeacon of Bologna become the nominal head of the university. But even then the power of the university corporations was based on three main privileges: the right of direct appeal to the pope (that is, autonomous jurisdiction), the right to strike and leave (which was disadvantageous for the city from an economic point of view), and a monopoly on the awarding of university degrees — *Le Goff Zh.* Intellektualy v srednie veka [Intellectuals in the Middle Ages]. M., 1997. Pp. 87, 96.

[2] The numbers fluctuate from 10 thousand (*Berman G. D.,* op. cit. P. 127) to 1 thousand (*Coing H. (Hrsg)*. Handbuch der Quellen und Literatur der neueren europaeischen Privatrechtgeschichte [Handbook of sources and literature of recent European private law history]. Muenchen, 1973, V/1., S. 81.). Nevertheless, the figure is 10 thousand. No one refutes.

[3] The ancient Greek word "glossa" in Russian means "language", "word", and also "interpretation of words". Such interpretation of texts, including legal ones, was known before. But only glossators introduced this word into scientific circulation.

had sent to humankind[1]. Therefore, the glossators viewed Roman law, created under different conditions and for another people, as an ideal existing beyond time and space, free of contradictions and applicable in an unchanged form. In other words, much like the Bible for believers, the "Corpus of Roman Civil Law", as compiled under Justinian, was regarded by the glossators as **infallible**[2]. This largely contributed to their thorough study, profound interpretation, and systematic organization of Roman legal sources[3].

The glossators brought about a revolution in jurisprudence. First, it was under their influence — and thanks to their work — that legal science was separated from legal practice. They taught Roman law exclusively as an academic discipline. Second, they took the first step towards the separation of law from ethics. Traditionally, following the views of Isidore of Seville (c. 570–636), law, dealing with human conduct, was considered a part of ethics[4]. The glossators, however, believed this was true only with regard to the content of legal norms. From the standpoint of textual interpretation, law was part of logic. In this, they relied primarily on the scholastic teaching methods of the time. Finally — and most importantly — they laid the foundations of modern interpretation, systematization, and synthesis of legal texts. They also developed methods for identifying the validity of particular provisions by means of internal cross-referencing and resolving contradictions between individual parts of the texts through a holistic analysis of their content. This was a truly innovative approach. As is well known, the Corpus Iuris is not a coherent whole and does not originate from a single author or a single time. By means of glosses, the glossators sought to establish what they considered to be the correct understanding of the text, clarifying difficult passages through didactic examples. In addition, when interpreting a particular provision, the gloss would refer to other relevant provisions that supported the interpretation. This reflected a tendency toward systematization — which, incidentally, was alien to the classical Roman jurists.

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[1] *Van Caenegem R. C.* An Historical Introduction To Private Law / translated by D. E. L. Johnston. Cambridge, 1992. P.49.

[2] Thus, the Digest calls lawyers "priests", and jurisprudence — human and Heaven knowledge — *Stein P.* Roman Law in European History. Cambridge, 2004. P. 46.

[3] The brilliant knowledge of the glossators of Justinian's compilation amazes modern researchers. The glossators could quote fragments of the "Corpus Juris" from the first words by heart. All subsequent generations of novelists could not boast of such an accurate and detailed knowledge of Roman sources — *Stein P.,* op. cit., p. 47.

[4] Isidore of Seville (570–636) — Archbishop of Seville, writer and scholar. The versatility of his knowledge allowed him to become the "teacher of the entire Middle Ages". Along with Boethius, Cassiodorus and Bede, he preserved the legacy of ancient culture. He sets out his understanding of the nature of law in his monumental work "Etymologies", or "Beginnings". He was canonized (though only in 1598) and recognized as a "teacher of the church".

The glossators strove to gather all thematically related material scattered across the Digest and to correlate its various parts in such a way that one provision would support or logically follow from another.

As for contradictions (and there were many), the glossators interpreted them as either "imaginary" or at least "insignificant" in relation to other provisions of the text, since such seemingly conflicting norms were understood to regulate different legal relationships or factual situations or could ultimately be reduced to a common legal foundation. In other words, they sought to harmonize the texts of Justinian and to resolve contradictions through the method of distinctions (distinctions), the essence of which lay in demonstrating that the application of apparently contradictory rules produced different — rather than conflicting — legal outcomes, as the underlying circumstances they governed differed. A typical example illustrating how the glossators eliminated the antinomies of Justinian's compilation is their interpretation of passages in the Digest concerning the acquisition of ownership. Thus, according to D.41.1.31, "the mere (bare) delivery of a thing (traditio) never transfers ownership. Ownership is transferred only if the delivery is preceded by a sale or another lawful *cause (purpose)*"[1]. Yet in D.41.1.36, the validity of the delivery is called into question depending on whether the parties disagree about the cause (purpose) of the transfer of ownership — for instance, whether the delivery was made pursuant to a will or a stipulation. Further in that passage, with reference to Julian, it is stated that a disagreement between the parties about the *purpose* of the "giving and receiving" (e.g., as a gift or as a loan) does not preclude the transfer of ownership (in that case, of money). However, in D.12.1.18, Ulpian asserts the opposite view: money given with the intention of making a gift but accepted as though it were a loan does not become the property of the recipient[2]. The glossators resolved such contradictions by identifying, through interpretation, the underlying legal cause (causa). Crucially, it was irrelevant whether this cause was genuine or false (falsa causa)[3]. Another example of textual conflict can be found

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[1] Digesty Yustiniana. Perevod s latinskogo. T. 6: Polutom 2: Kn. 41–44 [Justinian's Digests. Translation from Latin. T. 6: Half-volume 2: Book. 41–44] / Redkol.: *Em V. S.*, *Ivanov A. A.*, *Kopylov A. V.*, *Kofanov L. L.* (Otv. red.), *Kulagina E. V.*, *Rudokvas A. D.*, *Savelyev V. A.* (Nauch. red.), *Sukhanov E. A.* (Nauch. red.). M.: Statut, 2005. P. 37.

[2] Ibid. P. 39.

[3] *Hattenhauer H.* Europaeische Rechtsgeschichte [European legal history]. Heidelberg, 1992. P. 257. In this connection, this German legal historian cites the definition of "legal basis" in the "Gloss of Accursius", which emphasizes that recognizing a "false basis" as invalid would contradict Book 12, Title VI of the "Digest" (On the Condiction in Case of Non-Payment of What Is Undue) as a whole. And therefore, according to Accursius, the contradiction in D.41.1.31 is only "apparent", since there was still a legal basis there. By the way, D.12.VI.52 directly states: "… when I give for the reason that I received something from you…, then the recovery of money does not take place, even if the basis is false". Our domestic novelist I. B. Novitskiy, who believes that the abstract transfer of a thing (traditio) can serve

in the Constitution C.4.35.21 (in re mandata), which states that "everyone may be a judge in matters concerning their own property" (suae rei arbiter), whereas in the Digest D.8.5.1 the opposite principle is stated. This contradiction was resolved by attributing different meanings to the same expression. In the first case, the phrase means that everyone is the master of their own property and entitled to dispose of it. In the second case, the expression is interpreted as referring to a judge's duty to adjudicate the affairs of another, and thus the maxim is understood to mean that no one may be a judge in their own cause[1]. Of course, such artificial logical constructions — assigning different meanings to the same term for the sake of resolving contradictions — sometimes distorted the true sense of the texts and compromised the glossators' credibility. Nonetheless, the method of distinctions, by virtue of its abstract character, made it possible to resolve similar issues across other branches of law.

From a substantive standpoint, it should be noted that the glossators' painstaking work in interpreting Justinian's compilation enabled them to develop a general concept of contract — unknown to classical Roman jurists — and to classify specific Roman law agreements (contracts and pacts) according to their legal enforceability. Furthermore, they drew a clearer and stricter distinction than the Romans themselves between subjective rights, which they regarded as primary, and legal actions designed to protect those rights[2].

Thus, the glossators knew the text of each fragment in the Corpus Juris thoroughly, and no subsequent generation of lawyers could rival them in the depth of their familiarity with Justinian's texts. Any doctor of law from Bologna was "accustomed to keeping the entire mass of the Corpus's headings at his fingertips"[3]. At the same time, as noted above, they employed the "scholastic method" of inquiry, which was widely accepted at the time. This method became an instrument of scientific progress in the field of law. With its help, formal logic analyzed concepts and constructed syllogisms. The use of such techniques made it possible to impose logical coherence on incomplete and fragmentary classical texts. And since legal reasoning ultimately consists to a great extent in identifying dialectical distinctions and establishing

as the basis for the transfer of ownership and that it can be recognized as dominant in the literature of Roman law — Osnovy rimskogo grazhdanskogo prava. Uchebnik [Fundamentals of Roman Civil Law. Textbook] / *Novitskiy I. B.* M.: Gosyurizdat, 1956. Pp. 93–94.

[1] *Van Caenegem R. C.,* op. cit., pp. 49–50.

[2] In particular, it was the glossators who introduced the concept of "property" and "personal" rights into scientific circulation, while Roman lawyers spoke only of property and personal claims. See also *Vinogradov P. G.,* op. cit., p. 74, where the author speaks of how the English glossator G. Bracton (1210–1268) and his fellow judges, relying on the Roman teaching on real and personal claims, "took a step away from their Roman leaders".

[3] *Vinogradov P. G.,* op. cit., p. 36, in the same sense *Stein P.,* op. cit., p. 47.

comparisons between concepts, the glossators, even at the early stages of the development of modern law, achieved remarkable results[1].

Glosses on individual texts of Justinian's compilation served as a foundation for various types of legal literature. In addition to glosses, *collections of educational "cases"* (casus) were compiled, in solving which students were required to apply the norms and principles of law they had studied. Another form of scholarly activity by the glossators was the so-called apparatus (i.e., carefully worked-out materials). These were collections of glosses presented as extensive commentaries on particular titles of the Corpus Juris.

However, particular popularity was enjoyed by the summa and brocardica (brocardica, brocarda, or notabilia). A summa, unlike a gloss, was already an original and independent work that presented, in a concise and systematic form, the content of individual titles of a monument of Roman law (Digest, Code, or Institutes). Within each title, the author of the summa sought to gather all definitions related to the given subject and interpreted them in a consistent sequence, moving from general to specific concepts. In other words, the authors of the summa already demonstrated that, under the glossators, a generalizing and systematizing legal mode of thinking had begun to take shape.

By the end of the XII century, collections of brocarda had appeared — short maxims and aphorisms formulated as general principles and intended to explain the essence of the glossed text in a concise form[2]. Most of them are grouped in the final title of the 50th Book of the Digest (D.50.17), but not exclusively. They were also employed as evidence by the party in a dispute that used them to support its position. The brocarda served, so to speak, as a "guiding star" for practicing lawyers, enabling them to present their arguments in a concise and polished form in order to "dazzle the judge with the brilliance of their scholarly knowledge" and thereby incline him to adopt a favorable decision.

Due to the peculiarities of the social development of Western Europe during the feudal era, the glossators' study of the Corpus Iuris significantly expanded the scope of their inquiries beyond the boundaries of private law[3]. However, for the purposes

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[1] The foundations of scholasticism were laid by Anselm the Saint of Canterbury (1033–1109). He formulates the scientific program of scholasticism based on the principle — fides quaerens intellectum (faith questions reason). In the sphere of jurisprudence, the subject of regulation with the help of scholastic methods was primarily church law. However, their effectiveness in harmonizing contradictory legal texts contributed to the transformation of these methods into the main scientific method of secular jurisprudence. Thanks to the scholastic method, "knowledge of law" (prudential iuris) begins to transform into "science of law" (scientia iuris), and gradually its ties with theology and scholastic philosophy begin to weaken — *Schlosser H.* Grundzuege der neueren Privatrechtsgeschichte [Fundamentals of modern history of private law]. Heidelberg, 2005. P. 24.

[2] For example, actor sequitur forum rei; locus regit actum; in dubio pro rei, etc.

[3] They were engaged, in particular, the problem of (folk) sovereignty, issues of the ratio of law and justice, law and custom, restrictions on power is sovereign, issues of feudal law, etc.

of the present work, the primary interest lies in the ideological dimension of their interpretation of Roman law under the conditions of the confrontation between secular authority and the Papacy in the struggle for political supremacy.

The concept of national identity was alien to the Middle Ages. Cosmopolitanism and universalism, inherited from Ancient Rome, formed the foundation of social development at the time. In the political sphere, these ideas were represented by the Catholic Church and the Holy Roman Empire[1]. In the legal domain, they were embodied in Roman law. It was regarded as a model of absolute and universal domination, as well as a political instrument: "one law — one empire". The rivalry between the Roman popes and the emperors of the Holy Roman Empire manifested itself most vividly and sharply in the dispute over (political) investiture. This conflict reached its peak in the XII–XIII centuries under the emperors of the Hohenstaufen dynasty, who, among other objectives, sought to establish their dominion over Italy in order to strengthen their secular authority within the Empire[2]. Roman law was called upon to provide a legal justification for the imperial ambitions of the Hohenstaufen, their claims to secular investiture, and their independence from the dictates of the Roman popes. To this end, Frederick I Barbarossa invited four renowned professors (quattuor doctores) from the University of Bologna — experts in Roman law — to the session of the Roncaglia Reichstag (near the Italian city of Piacenza) in 1158, to deliver a theoretical justification of the monarch's unlimited authority. And such justification was indeed provided, grounded in Justinian's compilation, in the presence of representatives of the Pope and the northern Italian cities[3]. As a result, both the northern Italian cities and the church estates fell into

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[1] It is curious that the name "The Holy Roman Empire of the German People" appeared only in the XVI century. At the turn of the Middle Ages and the New Age. In the period under consideration, this definition was not yet. Moreover, the word "empire" did not mean dominance over any territory, but universal, "superfluous" power, not associated with any particular country or people — *Stollberg-Rillinger B.* Das Heilige Roemische Reich Deutscher Nation [The Holy Roman Empire of the German Nation]. Muenchen, 2006, P. 10.

[2] Some modern German scientists characterize the "Holy Roman Empire" as a kind of supranational state based on the religious and political unity of all (!) Western Europe. However, this seems to be an exaggeration. Territorially, it included at least in the period under consideration by Germany, Burgundia and Italy, which formally subordinate to the emperor — *Kolesnitskiy N. F.* Svyashchennaya rimskaya imperiya: prityazaniya i deystvitelnost [Holy Roman Empire: claims and reality]. M.: Nauka, 1977. P. 10. The Hohenstaufins ruled the Holy Roman Empire from 1137 to 1268, that is, during the period of the highest power of papal power. Formally sowing. and environments. Italy (with the exception of Venice) was part of it. But the dependence, especially the North Italian cities from the emperor was nominal. It was limited to monetary subsidies and the sending of auxiliary detachments to the emperor during hostilities.

[3] These famous doctors of law were the students and followers of Irnerius — the glossators Martin Gozna (d. 1166), Bulgar (1166) nicknamed "golden mouth" (os aureum), Hugo (d. 1166), Jacob (d. 1178). It was all the more easy for them to do this, since the absolute majority of statements in the Corpus Juris date back to the period of the Principate. And accordingly, the way of thinking of the Bolognese professors

complete dependence on the emperor[1]. In effect, the Bolognese professors thus recognized the Holy Roman Empire as a "legal empire" and the emperor as the "lord of the world" (dominus mundi) and the "sole supreme legislator" (conditor legum). Accordingly, the legist doctrine, according to which the legal order of the Roman Empire continued to live on in the Corpus Iuris, and Justinian's law — developed by the jurists of the XII century — remained in force, found convincing confirmation in political practice[2].

This episode from the history of medieval Roman law testifies that both secular power and the papacy regarded the Corpus Iuris as supranational imperial legislation, and university professors as arbiters capable of resolving complex legal controversies. Moreover, European rulers of states outside the Holy Roman Empire also regarded the Corpus Iuris as an instrument in their struggle for sole authority against their own feudal lords[3].

This applies even more so to Frederick II Hohenstaufen (1194–1250), the grandson of Frederick Barbarossa. However, he had to act within a changed political landscape, markedly different from the conditions of his grandfather's reign. These changes consisted in the growing strength of the papacy, the autonomy of Italian city-states, and the separatism of the German princes. Nevertheless, Frederick II made the unification of Germany and Italy (unio regni ad imperium) the principal aim of his imperial policy. Moreover, his theory of imperial supremacy was more fully developed than that of his predecessors. Frederick II became the herald of the idea of a pan-European feudal empire with the hegemony of its Italo-German

was formed under the influence of the laws of the late Roman Empire. And they themselves, as a result, were inclined to the monarchist point of view. For example, in the "Digest" there are enough maxims like — "Whatever the princeps wants has the force of law" (D. 1.4.1), or "The princeps is free from observing the laws" (D. 1.3.31).

[1] They helped Frederick I formulate the laws that secured his rule over Northern Italy: lex regalia sunt haec; lex omni iurisdictio; lex palacia et praetoria; lex tribunatum dabatur. Also *Berman G. D.* op. cit. pp. 459–460.

[2] *Schlosser H.* op. cit. Pp. 51–52. It is curious that Friedrich Barbarossa, in gratitude for the support, adopted the so-called law "Authentica Habita" (by the way, the first European law on universities), which granted privileges to university teachers and students, "…pilgrims for the love of learning" ("omnibus, qui causa studiorum peregrinantur scolaribus"). The law declared the University of Bologna an "imperial university", which ensured, as stated above, its independence and protection from the discretion of city authorities and the church for a long time, and also self-government for students, similar to that granted to guilds. Friedrich and his followers included "Habita" in the Code of Justinian in addition to the "Constitutions" of the Roman emperors, thereby emphasizing that they were the successors of the latter.

[3] *Van Caenegem R. C.* European Law in the Past and the Future: Unity and Diversity over Two Millennia. 1st Edition, Kindle Edition. Cambridge University Press, 2001. Pp. 19, 77. The author cites the example of the struggle of the French king Philip IV the Fair (1285–1314) to establish his own sovereignty over the entire territory of his kingdom by establishing the primacy of Roman law over feudal principles, which allowed him to construct a fiction equating the king of France with the emperor.

core over other states. Relying on the doctrine of the "two swords" in its secular interpretation (i.e., the primacy of the Empire over the papacy), he proclaimed the principle of the emperor's supremacy over kings as "first among equals" and appealed to the monarchs of Europe to support him as the highest bearer of secular authority in his confrontation with the papacy. He argued that a papal victory would enable the pope to more easily subordinate the rest of Europe's sovereigns to his authority.

However, neither the cities nor the feudal princes supported Frederick II in his struggle against the papacy to unite Europe into an empire modeled on that of Rome. His slogan unio regni ad imperium did not correspond to the realities of the XIII century. He failed to break the papacy as a political force. Papal theocracy proved more effective than imperial authority[1].

And although Frederick II lost the political struggle for supremacy within the Holy Roman Empire, *the legal* authority of Roman law — as the foundation of the emperor's legitimacy and the source of imperial law in Germany and in the imperial cities of northern and central Italy — remained unshaken[2]. Thus, following Frederick Barbarossa, subsequent emperors, and in particular Frederick II, submitted their laws for review by the University of Bologna. A panel of professors would decide on the inclusion of these imperial laws as authentic within the Justinian Code, alongside the ancient imperial constitutions[3].

From the perspective of this study, the above permits the following conclusions. The half-century-long dispute over investiture (from the Congress of Worms of the imperial princes in 1076 to the conclusion of the Concordat of Worms in 1122), along with the subsequent struggle of the Hohenstaufen dynasty with the papacy to unite

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[1] Frederick II was excommunicated twice (in 1227 and 1239), and Innocent IV even declared him deposed in 1245. And this despite the fact that Frederick II, thanks to skillful diplomacy, recaptured Jerusalem from the Muslims in 1229 and returned (albeit temporarily) the "Holy Land" to Christian Europe.

[2] It should be noted that Frederick II managed to implement his imperial policy ("unio regni ad imperium") within the framework of his own Sicilian kingdom, turning it into a prototype of the modern state. On the basis of the so-called "Malfi constitutions", he created a well-organized system of governing the country, abandoning the formation of the administrative apparatus on the principle of filling positions by right of feudal holding. He replaced vassals with officials, deprived the barons of a number of public-law functions, asserted his supremacy over the Sicilian clergy, limited the independence of the cities as much as possible, centralized state finances and taxation, introduced a monopoly on foreign trade and carried out judicial reform, replacing ordeals and judicial duels with the institution of juries on the model of canon law. — For more details, see, for example, *Neusykhin A. I.* Problemy evropeyskogo feodalizma [Problems of European feudalism]. M., 1974. P. 330 et seq. In addition, Frederick II founded a University in Naples similar to the University of Bologna, where the basis of legal education was the received Roman law (corpus iuris). The University prepared "legally trained" officials for the state apparatus of the kingdom. In the 18th century, the University was made famous by the genius of Giambattista Vico (1668–1744).

[3] For more details see *Schlosser H.,* op. cit., p. 52.

feudal states and free Italian cities within the Holy Roman Empire under secular authority, demonstrates that in the XI–XIII centuries Roman law, as interpreted by the glossators, played an exceptionally important role not only as an effective instrument for legitimizing political supremacy in the confrontation between the secular and spiritual swords, but also as a foundation for such unification. Moreover, the universities in which Roman law was taught — through the agency of the glossators — were directly involved in the political struggle on the side of secular power, and, among other things, helped European kings to use legal instruments to overcome feudal fragmentation and consolidate their sovereignty. In doing so, they effectively Romanized feudal law. In other words, Roman law constituted an integral part of, and one of the principal regulators of, power relations in the medieval world.

Canon Law

The glossators, being legists, justified the binding force of Roman law by the authority of secular power and did not subordinate their interpretations to canon law, which they mostly did not know and regarded as an inferior legal order — even though it was taught at the University of Bologna as a subject.

However, in medieval Europe, which was theocratic in character, the need for canon law as a regulator of social relations from the perspective of the Catholic Church was entirely evident. Initially, as noted earlier, it consisted merely of unofficial collections of disparate biblical texts, decisions of church councils, opinions of the Church Fathers, etc. These collections clearly lacked authoritative texts comparable to those of Justinian's compilation[1].

The situation changed after the publication in 1140 by the monk Gratian (d. ca. 1179) of his compilation Concordia discordantium canonum ("Harmony of Discordant Canons"). In it, he sought to eliminate obvious contradictions in the selected ecclesiastical texts and provide necessary explanations. Later, under the title Decretum, it gained recognition among the decretists[2], who immediately undertook its glossatorial elaboration. Thus, by the second half of the XII century, civilists were compelled to acknowledge canon law as an equal — yet parallel — discipline to civil law. Both disciplines were studied separately, though they had areas of intersection. The fact was that while *civil law* was an independent system and did not require supplementation from other systems, it was applied subsidiarily in courts to fill gaps in local law. *Canon law*, on the other hand, was applied in all ecclesiastical courts in matters of ecclesiastical jurisdiction. As for civil transactions

[1] This fact, apparently, served (not least) as the reason for the legalists' disdain for canon law.

[2] This is what the canonists who interpreted Gratian's "Decree" came to be called. The "Decree" itself laid the foundation for church law and became the starting point for the development of "canonistics" as an independent and theologically independent scientific discipline throughout Europe. Gratian became famous as the "father of canonistics".

in general, *canon law* could not address all arising questions, and Gratian's Decretum acknowledged the necessity of resolving issues unregulated by canon law according to the *Corpus Iuris Civilis*.

Generally, the decretists paid great attention to the work of the glossators, and by the early XIII century, they sought — relying on Roman law — to determine the legal essence and consequences of the canons[1]. At the same time, canonists saw nothing unusual in transferring private-law principles into procedural and public law. In their view, such operations were entirely permissible since the authority of these principles rested on Justinian's texts[2]. During the XIII century, in addition to the Decretum, six more books of papal decretals were adopted, and by the end of the XIV century, the main body of ecclesiastical law had taken shape — fully comparable to the Corpus Iuris Civilis and commonly referred to as the Corpus Iuris Canonici[3].

Yet even earlier, in the XII–XIII centuries, the relationship between the two systems grew increasingly close. Through the decretists' legalistic use of the concept of "sin", canon law extended its influence into many areas of civil law[4]. The strengthening interconnection between civil and canon law is vividly illustrated by developments in procedural and contract law. A particularly characteristic example is the joint elaboration of procedural law by canonists and glossators. Roman law did not distinguish between substantive and procedural law, and the relevant procedural texts were unsystematized, scattered throughout Justinian's compilation[5].

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[1] P. Stein gives the following example to illustrate their method. According to Inst. 2.8.1., the right of ownership can be transferred by a non-owner by selling a promissory note given to him by the owner-debtor, in payment of the debt. In the same way, the glossator of canon law reasons, a heretic can transfer "Heaven grace" even without possessing it — *Stein P.* Roman Law in European History. Cambridge, 2004. P. 50.

[2] Ibid., p. 51.

[3] "Corpus Iuris Canonici", along with collections of papal bulls, became the most important collection of church laws and the source of canon law in force until 1917. It included the "Decree" of Gratian, the "Decretals" of Gregory IX (Liber extra), Liber Sextus of Boniface VIII, the "Clementines" of Clement V and two private collections called Extravagantes communes. In modern times, canon law was codified twice more — in 1917 and 1983. The taxonomy of canon law is still closely linked to the classical tripartite division of Roman law (persons-things-actions). However, in the 1983 code, preference is given to norms that reveal the content of faith over the principle of legal precision, and most importantly, in order to keep up with the times, it is no longer the clergyman but the believer who becomes the main subject of regulation — Kanonicheskoe pravo v katolicheskoy tserkvi [Canon Law in the Catholic Church] / *Dzheroza L.* M.: Khristianskaya Rossiya, 1996. P. 73 et seq.

[4] According to the church, people prone to sin were those engaged in usury, trade, giving mortgages and debt receipts. The sphere of canon law also included all types of family relations, since marriage was considered sacred, and inheritance law.

[5] Strictly speaking, Roman lawyers paid much attention to the forms and formalities of considering legal cases. But the process was never an independent area of law for them, nor was it a subject of detailed study or research. And accordingly, the Codification of Justinian did not devote a special book or even a title to the process.

However, in the XII century, the need for common procedural norms increased. One of the main reasons was that the traditional method of proof through ordeals no longer corresponded to the spirit of the time. The glossators took the first steps to solve this problem. They collected texts from the Corpus Iuris Civilis and compared them with procedural norms of canons and decretals. Such collections of excerpts from Roman and canon law texts were called ordines iudicarii (judicial procedures). But the real breakthrough in this field was made by the Bolognese glossator Giovanni Bassiano (d. 1197). A student of one of the aforementioned doctors of law, Bulgarus, and himself the teacher of the equally famous glossator Azo (d. c. 1220), he wrote a short treatise Libellus de ordine iudiciorum (On Judicial Procedure). In it, he sought to clarify the essence of civil litigation and ways to avoid it, supporting his arguments with practical examples. His work essentially laid the foundation for literature on procedural law and was immediately applied in practice. Jurist-popes such as Alexander III (1159–1181) and Innocent III (1198–1216) required ecclesiastical courts to follow the rules of "judicial procedure" when considering parishioners' complaints, believing that only these rules could ensure proper protection of the parties' interests[1].

However, medieval procedural law found its highest expression in the Speculum iudiciale (Judicial Mirror) by the Provencal cleric and canonist Guilelmus Durantis (1235–1296). The Mirror provided a detailed scholarly overview of modern procedural law. This treatise worthily crowned a century of unprecedented intellectual flourishing in legal thought and long remained an authoritative source of procedural law[2]. During this period, canon law developed rapidly and took the lead from civil law in matters of civil procedure. Due to the strong mutual influence of Roman and canon law on judicial procedures, they began to be called "Romano-canonical"[3].

As for contract law, the canonists, following the glossators, made significant contributions to the development of civil law doctrine in this area. By formulating the following three principles, they laid the foundations of modern general contract law theory:

— the possibility of judicial protection and binding force of all types of contracts, including informal ones;

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[1] By the beginning of the XIII century, jurisprudence had developed a number of basic provisions regarding legal proceedings. In particular, questions had already been resolved regarding the methods and procedures for protecting subjective rights, the forms of claims, the defendant's objections to the plaintiff's arguments, etc.

[2] Durantis studied in Bologna and taught in Modena. However, he was not just a scholar. He held the office of papal judge and had the rank of bishop. His book was published twice — in 1271 and 1290 — *Van Caenegem R. C.* European Law in the Past and the Future: Unity and Diversity over Two Millennia. 1st Edition, Kindle Edition. Cambridge University Press, 2001. P. 49.

[3] P. G. Vinogradov notes, for example, that through church tribunals, "Romanist views" even made their way into the courts of customary law in France — *Vinogradov P. G.,* op. cit., p. 53.

— recognition of the moral-ethical aspect through introduction of the principle of proportionate payment for proper performance of contractual obligations (the so-called *principle of equivalence*);

— recognition of the principle *of fidelity to contracts*, which through the XVII century natural law doctrine transformed into the universal principle ***pacta sunt servanda*** and became an axiom of contract law[1].

The symbiosis of canon and medieval Roman law, owing to the transnational character of both systems, their scholarly elaboration and systematization in universities, laid the foundation for forming *a universal, unified legal order that corresponded to the spirit of the time* and was called **ius commune**[2]. This legal order was to operate on a pan-European scale as a new "universal system" having primacy over territorial (and urban) legal complexes, harmonizing them and promoting their internal development, since they typically represented a disjointed and unsystematic conglomerate of written and customary norms that did not meet the needs of civil transactions of their time.

The prerequisites for this in the XII–XIII centuries included, among other factors, a unified Christian religion headed by the centralized Catholic Church, the rapid and widespread development of universities and academic legal science, the uniform practice of ecclesiastical courts — subsequently adopted by secular tribunals — and, finally, the aspiration of both the papacy and secular authorities to assert supremacy and achieve the unification of European lands on the basis of Roman-canonical law. The unity of language also played a significant role. Latin was the language of the Catholic Church, secular authorities, the courts, canon and Roman law, and academic legal scholarship.

The glossators stood at the origins of a new type of legal thinking. Their contribution to the development of the European style and character of legal science in the modern era can hardly be overstated.

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[1] In fact, it was a question of the obligation of solemn and non-solemn promises, the violation of which, according to the teaching of canonists, was considered a lie, and accordingly a sin. And the decisive role here was played by the practice of forced execution of sworn and non-sworn contractual obligations by church courts through excommunication (from the church). Gradually, this type of spiritual coercion acquired a legal character. And from the XIV century, this principle of canonical teaching began to influence secular jurisprudence. At least, it was certainly applied to trade transactions.

[2] This term can be translated with a certain degree of conventionality as "common European law", due to the fact that both the papacy and the emperors, considering themselves the heirs of Ancient Rome, sought to unite all European lands under their rule, not least with the help of a universally and uniformly applied law. Of course, "ius commune" cannot be identified with the English "common law" or the French "droit commun", which have a completely different meaning. For example, the French "droit commun" is a term that characterizes legal norms on general criminal, but not political crimes. ("crimes de droit commun" as opposed to "crimes politiques").

Their era lasted approximately until the end of the XIII century. History has preserved only a few names from the cohort of these talented individuals who laid the foundations of modern legal scholarship[1]. In addition to the aforementioned "luminary of law" (lucerna iuris) and the "four doctors" of Bologna, Azo Portius (d. ca. 1200) also deserves mention. His Summa on the Codex and Institutes remained an authoritative source in the study of Roman law until the XVI century. His student, Accursius (1185–1263), is noted by modern scholars for his exceptional analytical and systematizing skills[2]. He gained pan-European fame for his so-called Standard Gloss (Glossa ordinaria), also known in the literature as the Great Gloss (Glossa magna) or the Gloss of Accursius. It contained nearly 97,000 glosses and synthesized the accumulated knowledge of all previous generations of glossators. It became the crowning achievement of the civil law school of glossators and was even regarded as an autonomous source of law, alongside the original texts of Justinian's compilation. An aphorism even emerged: "What the Gloss (of Accursius) does not acknowledge, the court does not acknowledge either" (quicquid non agnoscit glossa nec agnoscit forum). While Justinian's compilation was considered binding law, the Gloss of Accursius also served as the basis and point of departure for subsequent scholarly inquiry[3].

It should also be noted that research into the doctrines of the glossators of the "pre-Accursian period", conducted in the final decades of the XX century, revealed the considerable value of the legal ideas they had advanced[4]. Thanks to the glossators, the scholarly commentary on legal texts remains, to this day, an authentic source of law in the continental legal tradition.

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[1] S. M. Muromtsev, referring to Savigny (1779–1861), speaks of 47 glossators, "…about whom one could provide some biographical information".

[2] The great importance of Atso's "Summa" is evidenced by the fact that as early as the XVI century, knowledge of the material contained in it was considered a necessary condition for admission to the judicial class in a number of European cities — *Schlosser H.,* op. cit., p. 42.

[3] In this regard, it should be noted that it was the glossators who were the "founders" of the so-called "Italian style" (mos italicus) of interpreting and teaching legal texts. Its essence is well conveyed by the following Latin verse, which helps students learn the order of analysis: "praemitto, scindo, summon, casumque, figuroperlego, do causas, connote, obicio". The interpretation begins with introductory explanations (praemitto), then follows the division of the text into its constituent parts (scindo), a summary of the main content (summo), a presentation of cases, real or school (casusque) and a brief assessment of the text in this regard (figuro), comments based on reading different versions of the text (perlego), a philosophical justification of the text (do causas), additional comments on the text (connote), and finally, a comparison of similar provisions and opinions of various scholars (obicio). In conclusion, the essence of the text was revealed and there should be no doubt about its meaning. Such a detailed analysis of the text and its interpretation prepared students for solving practical problems. This "Italian style" was "adopted" by commentators and successfully used by them in practical activities. The description of "mos italicus", although in somewhat different interpretations, is given, for example, by *Muromtsev S. M.* and *Berman G. D.,* op. cit., pp. 133–134.

[4] *Stein P.,* op. cit. P. 48.

In conclusion, it should be emphasized that the glossators were, for the most part, scholarly jurists. They laid a solid theoretical foundation for the further development of European private law. The practical implementation of these ideas was undertaken by the commentators in the XIV–XV centuries.

(FIRST IN A SERIES OF ARTICLES)

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LEGISLATIVE REGULATIONS OF THE BANKING COMMITTEE IN ALGERIA

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Abstract. *The Banking Committee is a fundamental regulatory and supervisory body in Algerian banking law, as it aims to ensure the stability of the banking sector. This committee consists of a group of members representing the Bank of Algeria and the Ministry of Finance, appointed based on their expertise in the banking and financial field. The role of this committee lies in supervising and monitoring banks and financial institutions and ensuring their compliance with applicable laws. Additionally, the committee plays a key role in protecting the rights of stakeholders by promoting transparency and accountability in banks.*

It is responsible for monitoring the extent to which banks and financial institutions comply with the legislative and regulatory provisions applicable to them, in addition to its disciplinary role in penalizing violations that are detected. The committee also ensures adherence to the rules of proper banking conduct, which means overseeing the commitment of banks and financial institutions to work ethics and the required professional standards in Algeria. Furthermore, it provides its services appropriately and in alignment with Algeria's banking sector goals.

This study aims to explore the legal framework of the Banking Committee in light of the new laws by identifying its structure and examining the role assigned to it under the provisions of the latest Monetary and Banking Law.

Keywords: *Banking Committee, banks, legal system, Composition of the Banking Committee, role of the Banking Committee.*

Introduction

Recently, Algeria has placed significant focus on the banking sector, leading the legislator to issue a series of laws aimed at reforming the banking legislative system.

The most recent of these is Law 23-09 of 2023, which includes the Monetary and Banking Law[1].

This law was introduced to address various legal issues present in previous laws. It includes numerous legal provisions regulating the operation of banks, the judicial appeal system, and the committees and bodies of the Bank of Algeria. Among these committees is the Banking Committee, which is covered in Chapter Three of Part Six, titled "Supervision of Banks, Financial Institutions, and Other Entities Subject to Regulation".

The committee was initially established under Ordinance 71-47, which regulated credit institutions[2]. However, this ordinance was repealed by Law 86-12 concerning the banking and credit system[3], leading to the dissolution of the committee.

Subsequently, on April 14, 1990, Law 90-10 on currency and credit was enacted but was later repealed in 2003 by Ordinance 03-11, dated August 26, 2003, which also regulated currency and credit. This ordinance was later amended by Ordinance 10-04[4], which was ultimately repealed by Law 23-09, containing the Monetary and Banking Law[5]. Through this law, the legislator established the legal provisions governing the committee's operations and defined its composition.

The significance of this study lies in shedding light on the legal framework that regulates the Banking Committee's operations and understanding its role in ensuring banking and financial stability while protecting various interests. This is achieved by analyzing the provisions of Law 23-09 on monetary and banking regulations.

The objective of this study is to comprehend the mechanisms the committee employs to achieve its goals by identifying its structure, defining the legal status of its members, and understanding the exclusive legal role assigned to it compared to other committees of the Bank of Algeria. Additionally, the study examines the operational mechanisms of the committee, including meeting procedures, voting methods, and decision-making processes.

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[1] Law 23-09 dated June 21, 2023, concerning the Monetary and Banking Law: https://www.bank-of-algeria.dz/la-loi-monetaire-et-bancaire/.

[2] Order 71-47 dated June 30, 1971, concerning the regulation of credit institutions, Official Gazette, Issue 55, dated July 6, 1971.

[3] Law 86-12 dated August 19, 1986, related to the banking and credit system, Official Gazette, Issue 34, dated August 20, 1986.

[4] Order No. 10-04 dated August 26, 2010, amending and supplementing Order No. 03-11 concerning currency and credit.

[5] Law 23-09 dated 03 Dhu al-Hijjah 1444, corresponding to June 21, 2023, concerning the Monetary and Banking Law.

Based on the above, the following research question arises:

How has the Algerian legislator regulated the provisions of the Banking Committee? What legal mechanisms have been adopted to define the committee's role in regulating and supervising the banking sector?

To answer this question, we adopted the descriptive method, as it is suitable for this subject by outlining the law that governs the committee, and the analytical method, by analyzing the legal provisions that frame its operation.

In this regard, we have divided our study into the following sections:

1. Definition of the Banking Committee;
2. Powers of the Banking Committee;
3. Operational Mechanisms of the Banking Committee.

1. Definition of the Banking Committee

The banking system is a fundamental pillar in facilitating financial transactions and ensuring transparency and integrity in dealings. To reinforce these principles, the Banking Committee was established, playing a crucial role in maintaining the stability of Algeria's banking system.

1.1. Concept of the Banking Committee

The Banking Committee is one of the independent administrative authorities responsible for overseeing documents and on-site inspections. It ensures that banks and financial institutions comply with legislative and regulatory provisions and adhere to proper banking practices[1].

Generally, the committee can be described as an independent administrative body with a set of assigned functions and responsibilities defined by the Algerian legislator. However, unlike other independent administrative authorities, such as the Competition Council, it does not possess legal personality or financial independence.

From a legislative perspective, it is noteworthy that the new law does not explicitly define the Banking Committee, as was the case in previous laws. Instead, it only specifies its powers and operational mechanisms.

1.2. The Legal Composition of the Banking Committee

The Banking Committee is a regulatory and supervisory body of great significance in the banking sector, as it contributes to ensuring the stability of banks. This committee consists of experts and specialists in the banking and financial fields. But how is this committee formed, and which authority is responsible for appointing its members?

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[1] *Mohamed Nebhi*. The Banking Committee under Law 23-09 // Al-Matla' Al-Qanouni, 2024, Vol. 06, Issue 01. Pp. 76–77.

1.2.1. Human Composition

Referring to Article 117 of Law 23-09 on monetary and banking regulations, the legislator defines the legal composition of this committee. It is composed of:

— The Governor of the Bank of Algeria, who serves as the Chairperson.

— Three members selected from individuals with expertise in banking and accounting.

— Two judges:

• The first judge is seconded from the Supreme Court and is selected by the First President of the court.

• The second judge is seconded from the Council of State and is chosen by the President of the Council of State after consulting the High Council of the Judiciary.

Likewise, the composition of this committee includes a representative from the Court of Auditors, chosen by the president of this council from among the senior advisors, as well as a representative from the Ministry of Finance with a rank of at least director.

It is observed from this legal text that the numerical composition of the committee has not undergone any changes; it consists of a president and seven members. The presidency of this committee is assigned exclusively to the Governor of the Bank of Algeria, as was the case in the previous law, in addition to three members who possess expertise in the banking, accounting, and financial sectors, along with two judges — one appointed from the Supreme Court by its first president and the other appointed from the Council of State by its president after consulting the High Council of the Judiciary.

Furthermore, the committee's composition includes a representative from the Court of Auditors selected from the senior advisors by the president. The second representative must be from the Ministry of Finance with a rank of at least director, unlike the provision in Ordinance 10-04[1] on currency and credit, which did not require this member to hold the rank of director. Therefore, it can be said that the Algerian legislator has maintained the same composition as stipulated in Ordinance 10-04.

In this regard, it is necessary to define the status of members possessing expertise and experience by specifying the entity authorized to nominate them and the criteria they must meet while allowing a broad selection range that includes various fields and sectors such as higher education, the Council of the Nation, public institutions, and private institutions[2].

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[1] Ordinance 10-04 of August 16, 2010, amending and supplementing Ordinance 03-11 of August 26, 2003, relating to money and credit.

[2] *Farahi Mohamed*. The Impact of Amendments to the Money and Credit Law on the Composition and Independence of the Banking Committee // Journal of Legal and Political Research, December 2021, Issue 09. University of Moulay Tahar Saïda, Algeria. P. 146.

Additionally, the Banking Committee consists of a General Secretariat, which is a structure whose powers and organizational framework are defined by the Board of Directors of the bank, based on a proposal from the committee itself, as stipulated in Article 117 of Law 23-09 on currency and banking.

Upon examining this composition, it is evident that it achieves a certain degree of independence due to the diversity of expertise among its members and the decision-making process, which relies on voting. This mechanism prevents any individual member from making unilateral decisions without consulting the rest of the members.

Moreover, the continued assignment of the Governor of the Bank of Algeria as the president of this committee is strong evidence of the governor's authoritative role in managing and supervising the operations of the Bank of Algeria. This also indicates that the committee essentially functions as an internal body under the hierarchical authority of the administrative head, namely, the governor. Additionally, the legislator has integrated members from both the judicial and financial sectors, ensuring that they possess professional competence and extensive experience in their respective fields. The presence of a General Secretariat further ensures the continuity of the committee's work[1].

From the above, it can be concluded that there is a complementary relationship between expertise, competence, and the independence of individuals chosen as members of collective formations within independent administrations. The scientific and knowledge-based capabilities of these individuals significantly contribute to the authority's influence over political entities. Thus, adopting a selection approach based on qualifications and specialization in the field in which the independent authority operates enhances the credibility of the body's work and ensures its autonomy[2].

1.2.2. Legal Status of the Members of the Banking Committee

The legislator has defined the rights and obligations of the members of the Banking Committee and specified the entities legally authorized to appoint its members and the duration of their membership.

1.2.2.1. Rights of the Members of the Banking Committee

As for the governor and their deputies, they receive salaries determined by an executive decree and borne by the Bank of Algeria. Upon the end of their tenure, they or their heirs receive compensation equivalent to two years'

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[1] *Karoui Samira*. The Legal System of the Banking Committee in Algeria — A Reading of Law 23-09 on Monetary and Banking Law // Al-Baheth Journal for Academic Studies, 2024, Vol. 11, Issue 02. P. 631.

[2] *Aarabe Ahmed*. On the Constitutionality of Independent Administrative Authorities in Algeria: Doctoral Thesis, Faculty of Law and Political Science, University of TiziOuzou, 2020–2021. P. 225.

salary, also covered by the Bank of Algeria, excluding any other amounts paid by the bank[1].

Similarly, the salaries of the other committee members are determined by an executive decree and borne by the Bank of Algeria. Committee members who are judges or employees return to their original institutions upon completing their term. In the event of retirement or death, they or their heirs receive compensation equivalent to two years' salary, covered by the Bank of Algeria, excluding any other payments from the bank. This provision also applies to committee members who do not assume any other paid position within the state, except in cases of dismissal due to gross misconduct[2].

It is evident that the Algerian legislator has placed great importance on financial compensation for the Governor of the Bank of Algeria, their deputies, and the committee members. This ensures that they can perform their duties and make decisions independently, as financial incentives serve as a strong motivation for them to carry out their supervisory role effectively.

1.2.2.2 Obligations of the Banking Committee Members

To ensure the independence of the Governor of the Bank of Algeria and their deputies, their position is incompatible with any elected office or any governmental or public function. Additionally, they are prohibited from engaging in any activity, profession, or function during their mandate, except for representing the state in international institutions of a monetary, financial, or economic character. To further reinforce their neutrality, they are not allowed to borrow any amount from any Algerian or foreign institution, nor can they accept any commitment signed by one of them in the portfolio of the Bank of Algeria or in the portfolio of any institution operating in Algeria[3].

Moreover, the legislator has mandated the application of Article 28 of Law 23-09 on monetary and banking regulations. This article prohibits the chairman and members of the committee from disclosing any facts or information they have directly or indirectly obtained during their mandate, without prejudice to the obligations imposed on them by this law. However, this does not apply in cases where they are required to testify in a criminal case.

As for judges, they are bound by the obligations specific to their judicial duties as stipulated in the Statute of Judges. For example, a judge is prohibited from participating in any strike or inciting one and is also forbidden from joining any political party or engaging in any political activity of any kind[4].

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1 Article 16 of Law 23-09 on Monetary and Banking Law.

2 Article 118 of Law 23-09 on Monetary and Banking Law.

3 Article 15 of Law 23-09 on Monetary and Banking Law.

4 Organic Law No. 04-11, dated September 6, 2004, on the Fundamental Law of the Judiciary.

1.2.2.3 Authorities Responsible for Appointing the Banking Committee and the Duration of Membership

The President of the Republic appoints the members of the Banking Committee. Regarding their term of office, the legislator has set it at five years through a presidential decree[1].

Furthermore, members of this committee are not allowed to hold any other position or mandate, whether paid or unpaid, during their tenure[2].

The duration of the mandate ensures the independence of the regulatory authorities from the government. It creates a protective shield that prevents arbitrary dismissal. The term length should be reasonable — not too short to be ineffective nor excessively long — but relatively extended to ensure stability[3].

2. Powers of the Banking Committee

The Banking Committee plays a fundamental role in ensuring that banks and financial institutions comply with the applicable legislative and regulatory provisions. Additionally, it has a disciplinary role, which involves penalizing observed violations. The committee also ensures compliance with professional conduct rules and determines the conditions under which banks and financial institutions operate, ensuring the quality and efficiency of their financial transactions.

2.1. Supervisory Role

Banking supervision is an administrative process primarily aimed at ensuring that banks and financial institutions operate in accordance with the applicable legal and regulatory provisions, as well as accounting and prudential standards. It also verifies compliance with established rules and standards to identify and correct errors and negligence[4].

According to Article 120 of Law 23-09 on monetary and banking regulations, the committee is authorized to supervise all entities under its jurisdiction based on documents and on-site inspections. This is to ensure compliance with legislative and regulatory provisions concerning credit risk and related management activities by banks and financial institutions.

Field supervision by the Banking Committee follows a periodic program established and approved by the committee's deliberations. This involves visits to

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[1] Article 117 of Law 23-09 on Monetary and Banking Law.

[2] Article 117 of Law 23-09 on Monetary and Banking Law

[3] *Aarabe Ahmed*, Op. cit., pp. 236–237.

[4] *Lemari Walid, Boulhis Samia*. The Role of the Banking Committee in Supervising Banking Operations, 2018, Vol. 05, No. 03. P. 412.

the headquarters of banks and their branches for full inspections and audits, which may also focus on specific activities. The results of these inspections are documented in official reports[1].

Thus, the committee has the freedom to determine its supervision program, the teams conducting the inspections, the format of reports, and the deadlines for submitting documents and information deemed necessary.

Upon completing the supervision process and verifying potential violations, the Banking Committee prepares an official notification document. This document provides a clear and precise summary of the violations attributed to banks or financial institutions. It is sent to the concerned party through non-judicial means that ensure secure and rapid delivery. These means include registered mail with acknowledgment of receipt, direct handover to the legal representative, or any other legally recognized reliable method of proof[2].

Furthermore, the committee has the authority to request any relevant individual[3] to provide all necessary information, clarifications, and evidence for carrying out its mission. It may also demand that any relevant person submit documents or information, and professional secrecy cannot be invoked against the committee[4]. The committee can also request banks and financial institutions to provide all necessary information and clarifications to carry out its supervisory role transparently and effectively[5].

Additionally, the committee can extend its investigations to financial relationships and shareholdings involving legal entities that directly or indirectly control supervised entities and all their subsidiaries.

Supervision can also be extended internationally under agreements, allowing oversight of Algerian companies' foreign subsidiaries[6].

On-site supervision is assigned to the General Inspectorate through the Bank of Algeria's Inspection Unit, which is responsible for organizing inspections on behalf of the committee. The unit deploys inspectors, and the committee can appoint any individual to carry out the task. The inspectorate

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[1] *Imane Jaber, Abdelkarim Mokka*. Banking Activity Between Supervisory Control by the Bank of Algeria and Repressive Control by the Banking Committee // Journal of Legal and Political Research, 2023, Vol. 08, No. 02. P. 336.

[2] *Khadija Sharafi*. Disciplinary Litigation Before the Banking Committee Under Law No. 23-09 on Monetary and Banking Law // Journal of Research in Contracts and Business Law, 2024, Vol. 09, No. 03. P. 75.

[3] The legislator used the term "subjects" in the new law, whereas Amended and Supplemented Law 03-11, in Article 109, states that it is authorized to request from banks and financial institutions.

[4] Article 121 of Law 23-09 on Monetary and Banking Law.

[5] *Imane Jaber, Abdelkarim Mokka*, Previously Cited Reference. P. 33.

[6] Article 122 of Law 23-09 on Monetary and Banking Law.

ensures proper operational conduct and strict compliance with professional standards[1].

At the end of the inspection, a report is prepared, analyzing the bank's or financial institution's structure, organization, activity evolution, risk development, and profitability. The report also details any observed deficiencies.

Finally, the inspection results are communicated to the boards of directors or equivalent governing bodies of companies subject to Algerian law, as well as to the representatives of foreign branches operating in Algeria and external auditors[2].

2.2. Disciplinary Role (Administrative Police)

While exercising its supervisory role to verify banks' and financial institutions' compliance with legislative and regulatory provisions, the Banking Committee is also granted the authority to impose preventive measures and disciplinary sanctions.

2.2.1. Preventive Measures

Warnings:

These are issued to alert bank and financial institution managers about legal violations or overstepping their authority. This is one of the mildest sanctions imposed on banks and financial institutions. Article 123 of Law 23-09 on monetary and banking regulations stipulates that in cases of professional misconduct, the committee may issue a warning after allowing the institution's managers to provide their explanations.

Orders:

The committee may summon any subject when their situation justifies it, taking all measures necessary to restore or support financial balance and correct management methods within a specified timeframe[3].

2.2.2. Disciplinary Sanctions

They consist of:

Temporary suspension of one or more managers or termination of their duties:

The legislator stipulated in Article 125 of Law 23-09 on monetary and banking regulations that the Banking Committee may appoint a temporary

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[1] *Hajar Chamacha*. The Banking Committee as a Legal Mechanism for Regulating the Banking Sector — A Comparative Study // Journal of Human Sciences, December 2021, Vol. 32, Issue 3. P. 398 and following.

[2] Article 122 of Law 23-09 on Monetary and Banking Law.

[3] Article 124 of Law 23-09 on Monetary and Banking Law.

administrator who is granted all necessary powers to manage and operate the designated institution or its branches in Algeria. This administrator has the right to declare payment suspension. The appointment may be initiated by the managers of the concerned institution if they find themselves unable to perform their duties normally, or by the committee if it determines that the institution can no longer be managed under normal conditions. It may also be decided as one of the sanctions, including the temporary suspension of one or more managers with or without appointing a temporary administrator or the termination of one or more of those individuals with or without appointing a temporary administrator.

Warning and reprimand[1]**:**

This is among the measures taken by the Banking Committee when a credit institution violates the principles of professional conduct. This measure may be published if the Banking Committee deems it necessary, and such publication could cause severe damage to the concerned institution[2].

Prohibition from engaging in certain operations and other restrictions on activity[3].

Withdrawal of accreditation[4].

Financial penalties:

The committee may impose financial penalties up to the minimum required capital, and the Public Treasury is responsible for collecting these amounts.

However, this provision should not leave any doubt about the nature of this penalty, as the text indicates the possibility of imposing it instead of disciplinary sanctions. However, the opposite must be considered, as these penalties combine both original disciplinary sanctions if imposed independently and complementary sanctions if imposed alongside another disciplinary measure[5].

3. Mechanisms of the Banking Committee's Functioning

Banking Committee meetings are a fundamental organizational aspect of its work, given their role in managing and regulating the banking sector. During these meetings, key issues related to financial policies and the supervision of banks and financial institutions are discussed. These meetings also provide an opportunity for members to exchange opinions and make important decisions that impact the

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1 Article 126 of Law 23-09 on Monetary and Banking Law.

2 *Kourai Samira*, previously cited reference, p. 646.

3 Article 126 of Law 23-09 on Monetary and Banking Law.

4 Ibid.

5 *Kourai Samira*, previously cited reference, p. 647.

stability of the financial system. Meetings are held periodically or exceptionally as needed.

3.1. Banking Committee Meetings

The committee holds its general sessions at its headquarters or any other location. These meetings must be chaired by the Governor, and the committee must meet at least once a month at the invitation of its chairman or at the request of four of its members. For meetings to be valid, at least four members must be present, and invitations are sent to them via the committee's General Secretariat[1].

As for regular meetings, the members of the Banking Committee meet periodically in ordinary working sessions at least once a week. The agenda is determined, and the discussed points are recorded by business coordinators. At the end of the meeting, a report is prepared, including all discussed points, signed by the coordinator and the General Secretary, and submitted to the Chairman of the Banking Committee. The chairman also has the right to assign one or more committee members specific tasks[2].

3.2. Voting

The Banking Committee's decisions are made by majority vote. In case of a tie, the chairman's vote prevails, as affirmed by the Algerian legislator in Article 119 of Law 23-09 on monetary and banking regulations.

Majority voting on the committee's decisions ensures that the adopted resolutions reflect the opinions of most members. The chairman's deciding vote is intended to prevent deadlocks in decision-making in case of a tie.

Conclusion:

Through this study, it has been concluded that the Algerian legislator has given great importance to the banking sector, as evidenced by the provisions of Law 23-09, particularly regarding the Banking Committee. This committee is a fundamental pillar of banking sector stability due to its supervisory and disciplinary roles in preventing or suppressing any violations.

However, it is observed that the legislator has maintained most of the legal provisions that previously governed the Banking Committee under the old law. Moreover, even under the new law, there is no explicit provision stating that the Banking Committee is an independent administrative authority.

Furthermore, the legislator has granted several guarantees to this committee to enable it to perform its duties independently, whether through its defined

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[1] *Mohamed Nebhi*, previously cited reference, p. 79.

[2] *Mohamed Nebhi*, same reference.

composition or its assigned tasks. Nevertheless, this independence remains relative.

Additionally, the legislator has affirmed in this law that the Banking Committee is the sole authority responsible for adjudicating any violations committed by banks and financial institutions, particularly those related to risk exposure, especially credit risk and management practices.

Finally, we recommend:

— The necessity for the legislator to intervene in establishing a detailed legal framework for many points that were addressed but not precisely defined, such as the procedures for the committee's deliberations.

— The legislator should explicitly state that the Banking Committee is an independent administrative authority with legal personality and financial autonomy, similar to other independent administrative bodies.

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CONFERENCE REVIEW

Zilya Miftakhutdinova
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REVIEW OF THE INTERNATIONAL SCIENTIFIC AND PRACTICAL CONVENTION OF UNDERGRADUATE AND POSTGRADUATE STUDENTS "LEGAL RENAISSANCE: A NEW ERA OF JURISPRUDENCE"

DOI: 10.30729/2541-8823-2025-10-2-105-110

Abstract. *On November 29–30, 2024, Kazan (Volga Region) Federal University hosted the IX International Scientific and Practical Convention of Students and Postgraduates titled "Legal Renaissance: A New Era of Jurisprudence." The event brought together young lawyers from Russia and neighboring countries, providing them with a unique platform for discussing current legal issues and exchanging scientific achievements. The convention's agenda covered a wide range of legal disciplines and included breakout sessions, master classes, a model trial, academic competitions, and intellectual games. Participants presented scientific reports and discussed challenges and prospects for the development of the legal system, demonstrating a high level of competence. The convention became a significant event in the field of legal education, fostering professional dialogue among students, scholars, and practitioners.*

Keywords: *International convention, legal education, legal research, legal science, youth science, legal renaissance.*

On November 29–30, 2024, Kazan (Volga Region) Federal University hosted the IX International Scientific and Practical Convention of Undergraduate and Postgraduate Students titled "Legal Renaissance: A New Era of Jurisprudence".

The event brought together students and young researchers from various parts of the world, providing them with a unique platform for discussing topical legal issues and exchanging experiences.

The concept of "Legal Renaissance: A New Era of Jurisprudence" symbolizes the revival and renewal of the legal system, emphasizing the need for a more flexible and progressive approach to law. This era calls for a reassessment of existing legal norms and standards in light of contemporary challenges such as globalization, technological progress, and shifts in social relations.

The convention was organized around the following thematic areas (sections):

— Theory and History of State and Law
— Constitutional Law;
— Tax and Financial Law;
— Civil Law;
— Family Law;
— Labor Law;
— Civil Procedure;
— Business Law;
— Criminal Procedure;
— Criminal Law;
— Environmental and Land Law;
— International Law;
— Educational Law.

This division of sections enabled participants to explore selected topics more deeply and engage in meaningful discussions grounded in current research and legal practice.

The organizing committee received over 570 applications to participate in the event, of which only 270 were accepted through a competitive selection process. More than 40 universities from Russia and neighboring countries were represented at the convention, underscoring the event's broad appeal and significance.

The opening ceremony took place on November 29 and was attended by representatives of the academic community, practicing lawyers, and high-profile legal professionals. Welcoming speeches were delivered by:

Dmitry Tayursky — First Vice-Rector and Vice-Rector for Research of Kazan (Volga Region) Federal University;

Lilia Bakulina — Dean of the Faculty of Law at Kazan (Volga Region) Federal University, Doctor of Legal Sciences, Professor of the Russian Academy of Sciences;

Igor Smolensky — Deputy Chairman of the Arbitration Court of the Volga District;

Eduard Kaminsky — Deputy Chairman of the Supreme Court of the Republic of Tatarstan for Administrative Cases;

Aynur Yalilov — Managing Partner of the law firm Yalilov and Partners, Chairman of the Law Faculty Alumni Association, Member of the Board of Trustees of the Faculty of Law at Kazan (Volga Region) Federal University;

Ramziya Mingalieva — Member of the Council of the Bar Association of the Republic of Tatarstan;

Anna Savin-Krovyakova — Head of the Public Reception Office under the Commissioner for the Protection of Entrepreneurs' Rights in Moscow on issues of youth entrepreneurship, Director General of the Autonomous Non-Profit Organization Institute for Legal Literacy and Entrepreneurial Support;

Ramil Sharifullin — Director of the Kazan Branch of the Russian State University of Justice;

Vyacheslav Gusyakov — Associate Professor at the Law Institute of Sevastopol State University, Member of the Energy Law Commission of the Russian Lawyers Association, Deputy Chairman of the International Union of Lawyers, retired judge;

Zavdat Safin — Head of the Department of Environmental, Labor Law and Civil Procedure at Kazan (Volga Region) Federal University, Doctor of Legal Sciences, Professor.

The event was also attended by:

Vitaly Gilmutdinov — Chairman of the Arbitration Court of the Republic of Tatarstan;

Vilena Prytkova — Representative of the Department of the Ministry of Justice of the Russian Federation for the Republic of Tatarstan;

Ilnur Garayev — Dean of the Faculty of Higher Education of the Kazan Branch of the All-Russian State University of Justice (Russian Law Academy of the Ministry of Justice);

Damir Valeev — Deputy Dean for Research of the Faculty of Law at Kazan (Volga Region) Federal University, Doctor of Legal Sciences, Professor.

This year, the general partners of the project were the law firm Yalilov and Partners and the Autonomous Non-Profit Organization Institute for Legal Literacy and Entrepreneurial Support.

The partners of the event included the International Association of Lawyers and Consultants and the journal Herald of Civil Procedure.

The Convention was co-organized by the Alumni Association of the Faculty of Law of Kazan (Volga Region) Federal University. This collaboration with the professional legal community highlights the seriousness and significance of the event, as well as its strong connection to the current realities of jurisprudence.

The event also received support from Sibur-RT Joint Stock Company.

Following the opening ceremony, at 11:10 a.m., a keynote lecture-show was delivered by *Vyacheslav Gusyakov*, Associate Professor at the Law Institute of

Sevastopol State University and Candidate of Legal Sciences, titled "Judicial Discretion and Justice".

After a coffee break, guests and participants had the opportunity to attend one of the following master classes:

Rustam Gubaidullin, practicing lawyer, attorney of the Bar Association of the Republic of Tatarstan, member of the Tatarstan Regional Branch of the All-Russian Public Organization "Association of Lawyers of Russia", and partner at the law firm Yalilov and Partners, presented a master class on "The Criminal Defense Lawyer";

Alexei Ivanov, legal adviser at Fincom Group, Pro Bono expert under the Commissioner for the Protection of Entrepreneurs' Rights in Moscow, coordinator of the Youth Legal School (YLS) project, and Deputy Head of the Autonomous Non-Profit Organization Institute for Legal Literacy and Entrepreneurial Support, led a session on "Debate Techniques in the International (British Parliamentary) Format";

Aziza Stepanyan, Director of Doczilla Academy, Managing Partner at Genzer and Partners, and legal design specialist, conducted a class on "How Lawyers Conquered Artificial Intelligence", held within the framework of the Forum of Legal Educators.

The Convention is traditionally a multidisciplinary and multifaceted event. Each year, it also features academic competitions.

This year, Olympiads were held in Criminal Procedure and Business Law, alongside an Intellectual Quiz on the History of the State and Law of Russia. Participants demonstrated exceptional erudition and deep knowledge in these fields.

The second day of the Convention began on November 30 with a demonstrative mock trial, held to promote the annual flagship event of the Law Faculty of Kazan (Volga Region) Federal University — the All-Russian Judicial Debates (ARJD).

At 11:40 a.m., the work of 13 thematic sections commenced.

The discussions at the Convention covered a broad spectrum of legal topics — from theoretical foundations of state and law to the practical application of legislation. The aim of these debates was not only to identify current issues in law enforcement but also to propose innovative solutions to help adapt the legal system to the evolving challenges of our time.

For example, the section on Constitutional Law addressed changes concerning the rights and freedoms of citizens in the context of digital technology development. Participants raised questions about ensuring the right to privacy and the protection of personal data, as well as challenges related to the legitimacy of new forms of interaction between citizens and the state.

The Tax and Financial Law section was dedicated to current issues in tax legislation, particularly the challenges of taxation amid economic instability caused

by global processes and the pandemic. Participants emphasized the need to reform the tax system and adapt it to new conditions and standards.

In the discussions on Civil Law and Family Law, the focus was on protecting the interests of the most vulnerable groups of citizens. Key aspects concerned the protection of the rights of children and women, as well as issues related to property disputes and alimony obligations.

The sections on Labor Law and Business Law explored migration processes, which significantly affect the labor market and job creation. Participants highlighted the need to protect workers' rights and ensure the legal status of both local and foreign employees.

In the Environmental and Land Law section, issues of environmental protection, sustainable development, and changes in legislation governing the use of natural resources were raised. Participants expressed concern about the need to pay greater attention to environmental law in the context of accelerating climate change.

The International Law section focused on changes in the international legal environment, particularly in the context of global challenges such as terrorism, interstate conflicts, and the impact of international politics on national legal systems.

In all sections, participants successfully defended their theses with dignity, upheld their positions, and shared their views.

The work of all sections was well-coordinated and truly comprehensive.

Special prizes were awarded by Sibur-RT Joint Stock Company during the section meetings.

At 17:00 p.m., during the closing ceremony, the results of the section work were summarized. All winners and prize recipients of the Convention were presented with commemorative gifts and diplomas.

This year, the Youth School of Lawyers established a scholarship awarded to the author of the best work among the first-place winners in each section. The scholarship was awarded to Anton Martynov (Lomonosov Moscow State University).

We are grateful for the support and contribution to the development of our event and student research in general.

A repost contest was also held during the Convention, with support from Gorodets Publishing House.

The Convention became a significant milestone in the development of legal education and science, contributing to the formation of an active international community of students and young scholars.

The organization of such an event and the relevance of the issues discussed highlight the importance of the priorities facing jurisprudence in the XXI century.

We hope that the ideas and conclusions presented at the Convention will serve as a foundation for further research and practical developments that promote legal progress in today's world.

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ALL-RUSSIAN JUDICIAL DEBATES: HOW IT WAS IN 2025

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Abstract. *The article is devoted to the results of the XXI All-Russian Student Model Trial "All-Russian Judicial Debates — 2025," held on April 25–26 at Kazan (Volga Region) Federal University. It provides a detailed account of the key events, including the award presentations as well as the opening and closing ceremonies. The article also analyzes the geographic reach of the event and outlines the structure and rules of the model trial. As part of the Kazan International Legal Forum ecosystem, the event brought together more than 150 students from 20 of the country's leading law schools. The participants competed in both civil and criminal proceedings, demonstrating practical skills and legal reasoning under conditions closely resembling actual court hearings. Particular attention is given to the educational and professional value of the debates, which were attended by representatives of the legal community, law enforcement agencies, the Bar, and other institutions. The article highlights the role of the event in fostering legal culture and in the professional development of future lawyers.*

Keywords: *debates, judicial process, students, judges, lawyers, law, knowledge.*

April 25–26, 2025, the Law Faculty of Kazan (Volga Region) Federal University (KFU) hosted the in-person stage of the XXI Student Judicial Trial "All-Russian Judicial Debates — 2025". For nearly three decades, Kazan and KFU have served as a hub for participants representing leading universities from across the country — from Kaliningrad to the Far East.

The All-Russian Judicial Debates is a unique, practice-oriented academic initiative designed for young Russian lawyers to enhance their professional competencies.

The event is held at the Law Faculty of KFU. In 2004, the first Judicial Debates were launched at the Law Faculty of what was then V.I. Ulyanov-Lenin Kazan State University, within a single section dedicated to civil procedure. Since 2006, the Judicial Debates have acquired All-Russian status, and a separate Criminal Procedure track was introduced.

This year, the Law Faculty of Kazan University warmly welcomed 40 teams, which, following a competitive selection process, advanced to the in-person stage. The organizing committee received over 100 applications in total. Over the course of its long history, the All-Russian Judicial Debates have evolved from a faculty-level initiative into a nationwide event, becoming a truly significant phenomenon not only in student life but also in the broader legal community of Russia.

The panel of judges and guests of honor traditionally includes representatives of the judiciary, namely the Arbitration Court of the Volga District, the Arbitration Court of the Republic of Tatarstan, the Supreme Court of the Republic of Tatarstan, and the district courts of Kazan.

It is particularly noteworthy that this year, the judicial panel and guests also included representatives of the Second Cassation Court of General Jurisdiction, the Fourth Appellate Court of General Jurisdiction, as well as the arbitration courts of the Moscow, Perm, Kirov, and Astrakhan, the Supreme Court of the Republic of Bashkortostan, the Moscow Regional Court, and the Vladimir Regional Court.

In addition, the ceremonial opening was attended by heads of state bodies of the Republic of Tatarstan, law enforcement officers, members of the Bar Association of the Republic of Tatarstan, business representatives, and delegates from some of Russia's leading law firms.

The opening ceremony took place on April 25 at 10:00 a.m. in the Imperial Hall of Kazan (Volga Region) Federal University. The first to address the participants and guests was First Vice-Rector for Research, *Dmitry Tayursky*. He emphasized the practical orientation of the event, noting that the mock trial format offers law students a unique opportunity to refine their legal skills.

Next to speak at the opening ceremony was Dean of the Law Faculty of KFU, Doctor of Legal Sciences, and Professor of the Russian Academy of Sciences, *Lilia Bakulina*. She remarked that the All-Russian Judicial Debates closely simulate real court proceedings, largely due to the composition of the judging panel, which includes members of the Russian judiciary, law enforcement officials, respected scholars from Russian universities, attorneys, and practicing legal professionals.

The opening ceremony continued with welcoming remarks by:

1. *Igor Smolensky*, Deputy Chairman of the Arbitration Court of the Volga District;

2. *Nikolai Volkov*, Deputy Chairman of the Fourth Court of Appeal of General Jurisdiction for Criminal Cases;

3. *Eduard Kaminsky*, Deputy Chairman of the Supreme Court of the Republic of Tatarstan for Administrative Cases;

4. *Rail Shaydullin*, Chairman of the Supreme Court of the Republic of Bashkortostan;

5. *Valery Golubtsov*, Chairman of the Arbitration Court of Perm.

The following also took part in the opening ceremony and addressed the audience:

1. *Vitaly Gilmutdinov*, Chairman of the Arbitration Court of the Republic of Tatarstan;

2. *Azat Gilmutdinov*, Chairman of the Supreme Court of the Republic of Tatarstan;

3. *Ainur Yalilov*, Managing Partner of the law firm Yalilov & Partners;

4. *Vyacheslav Gusyakov*, Associate Professor at the Law Institute of Sevastopol State University, member of the Energy Law Commission of the Russian Lawyers' Association, Deputy Chairman of the International Union of Lawyers, and retired judge;

5. *Alexander Lazarev*, First Deputy Head of the Office of the Commissioner for the Protection of Entrepreneurs' Rights in Moscow;

6. *Gulshat Zagidullina*, General Director of Tatlift LLC;

7. *Lenar Gumerov*, First Deputy Director of the Kazan Branch of the Russian State University of Justice.

Following the ceremonial opening, master classes were held for the participants of the mock trial.

In Lecture Hall 2, a session titled "Selected Issues of Civil Procedure" was delivered by *Tatyana Volkova*, Deputy Chairman of the Arbitration Court of Astrakhan, Doctor of Legal Sciences, Associate Professor.

In Lecture Hall 3, *Bulat Mardanov*, a defense attorney at Yalilov & Partners, conducted a workshop on "The Role of the Defense Counsel During a Search".

Subsequently, the participating teams and mock trial judges received procedural briefings.

At 3:20 p.m., the first round of the competition commenced, transforming academic classrooms into improvised courtrooms.

By the end of the first day, a total of 20 hearings were held simultaneously — 10 in the Criminal Procedure section and 10 in the Civil Procedure section.

After the first round, a consultation stage on new case scenarios was held for the teams, and the day concluded with a team captains' contest in each section.

On April 26, the second day of the All-Russian Judicial Debates, the results of the first day were announced.

Sixteen teams advanced to the semifinals in both the Criminal Procedure and Civil Procedure categories.

The semifinals were once again held in the form of mock trials, followed by another consultation stage.

At 2:30 p.m., in Lecture Hall 1, the semifinal results were announced.

The finalists in the Civil Procedure section were four teams representing the following universities:

— Kazan (Volga Region) Federal University,
— O. E. Kutafin Moscow State Law University,
— V. F. Yakovlev Ural State Law University.

The Criminal Procedure section finalists were the teams from:

— O. E. Kutafin Moscow State Law University,
— Kazan (Volga Region) Federal University,
— V. F. Yakovlev Ural State Law University,
— Crimean Branch of the V.M. Lebedev Russian State University of Justice.

A unique feature of this year's competition was that the final round of the All-Russian Judicial Debates took place at the Arbitration Court of the Republic of Tatarstan!

The finalists demonstrated their theoretical training in their respective areas of law and their ability to argue previously undisclosed case scenarios.

At 6:00 p.m., the closing ceremony of the All-Russian Judicial Debates — 2025 took place in the conference hall of the Arbitration Court of the Republic of Tatarstan.

The presidium included:

— *Vitaly Gilmutdinov*, Chairman of the Arbitration Court of the Republic of Tatarstan;

— *Igor Smolensky*, Deputy Chairman of the Arbitration Court of the Volga District;

— *Nikolai Volkov*, Deputy Chairman of the Fourth Court of Appeal of General Jurisdiction for Criminal Cases;

— *Tatyana Volkova*, Deputy Chairman of the Arbitration Court of Astrakhan.

Before the announcement of the winners and runners-up, the jury members were presented with certificates of appreciation during the ceremony. The closing ceremony concluded with the awarding of commemorative diplomas, statuettes, gift certificates, and other valuable prizes to the winners and runners-up.

The organizers of the XXI Student Judicial Trial "All-Russian Judicial Debates" were Kazan (Volga Region) Federal University and the Association of Alumni of the Law Faculty of KFU.

The title partner of the event was V.D. Shashin PJSC Tatneft.

The general partners included the law firm Yalilov & Partners and the Autonomous Non-Profit Organization "Institute for Legal Literacy and Support for Entrepreneurship".

The information partners of the event were: Pravo.ru, the journal Herald of Civil Procedure, the International Association of Lawyers and Consultants, and the Youth School of Law.

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