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**TOPIC:**

**JUDICIAL REFORM IN THE FIELD OF CIVIL JURISDICTION, ITS STAGES, ACHIEVEMENTS AND PROSPECTS**

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**ABSTRACT**

In this project, I examine judicial reform in the area of civil jurisdiction, its stages, achievements and prospects. The main problem is that judicial reform in the area of civil jurisdiction covers a wide range of topics and issues, from improving access to justice to protecting the rights of citizens. Many legal systems are complex and difficult for ordinary citizens to interact with.

**KEY WORDS**

Judicial reform, novelization of legislation, stages, achievements, court of general jurisdiction

**INTRODUCTION**

Judicial reform in Russia has made significant progress in recent years, with new procedures introduced to speed up civil proceedings, improve the quality of judicial decisions and enhance protection against human rights violations. Judicial reform is still underway and further improvements are needed to ensure equal access to justice for all citizens of the Russian Federation.

The reform of the judiciary in the Russian Federation began after the adoption of the Constitution of the Russian Federation, which for the first time designated the activity of the courts as an independent branch of state power.

As of October 2019, changes to the Arbitration and Civil Procedure Codes of Russia (APC, CPC) came into force as part of the "judicial reform". It is by virtue of this reform that cassation courts of general jurisdiction appeared and began their activities, which, by analogy with the system of arbitration courts, consider complaints and submissions against judicial acts that have entered into legal force in sessions in "face-to-face". The emergence of such independent courts of cassation instance in relation to appellate courts is clearly a positive development.

A strong and independent judiciary, which is supported and realized through the judicial system, is an integral and permanent element of power relations in the legal culture of Russian society. Its crucial role is determined by the need to build and maintain a state of relations in which law and law will be the dominant regulators. Judicial reform in the field of civil jurisdiction, its stages, achievements and prospects.

**The relevance** of this topic is that times are changing and the system needs new reforms that will ensure and maintain order and legality in our country.

**Problem :** Judicial reform in the area of civil jurisdiction covers a wide range of topics and issues, from improving access to justice to protecting citizens' rights. Many legal systems are complex and difficult for ordinary citizens to interact with.

**The aim of the project:**

1. To improve the skills of working with professional vocabulary

2. Expansion of vocabulary on the selected topic

**Objectives:**

- To review the reforms that have taken place from the times of the USSR to the present day

- What is new due to the reforms in the system of courts of general jurisdiction?

- Using the example of the Housing Reform and Pension Reform to see what changes have taken place.

- Translation of text into English

**Hypothesis:**

Judicial reform in the area of civil jurisdiction serves for a functioning and fair legal system. It can help reduce barriers to justice, protect the rights of citizens and improve the overall functioning of the judicial system.

**Method:** Collection and analysis of information, systematization and translation into English

**MAIN PART**

**1.1 Reform of certain principles in modern Russian civil proceedings and their systems:**

Not long ago, changes occurred in the legislation of the Russian Federation, which most people can perceive as a procedural reform, and some - as a procedural revolution.

The last opinion must be considered and spoken with great regret, because revolutions, as we know, do not transform the old for the better, but destroy it. In the course of the transformations under study, it is worth recognizing that the attempts of the revolutionaries to destroy the old, but good and important in our legislation were largely successful (freedom of choice of the person participating in the case and his representatives).

To understand and evaluate how the changes took place, one should look at how the reform of the legislation of the Russian Federation regulating the activities of courts in their proceedings of civil cases was carried out, which began in the early 1990s and continues to this day.

Mainly it occurred under the interaction of three interrelated phenomena.

The first is global: the collapse of the USSR and the transformation of the RSFSR, which was part of it, which declared itself a democratic federal legal and social state. (Articles 1 and 7 of the 1993 Constitution). As a result of changes in the political system and legal system of Russia, the status of the court, its powers and role in the state, and the goals of its activities also changed: the court turned from one of the many state bodies, which was subject to prosecutorial supervision, into a bearer of state power, acting independently in the system of its division to legislative, executive and judicial; The most important goal of the courts was to protect the rights and freedoms of man and citizen from any violations, including by the state (Articles 10, 11, 18 of the Constitution), for which they were endowed with the appropriate powers.

Secondly, providing everyone with the right, not subject to any restrictions (including laws), to judicial protection of their rights and freedoms, including the right to appeal to the court decisions and actions (inactions) of state authorities, local governments, public associations and officials, as well as the right to appeal to interstate bodies for the protection of human rights and freedoms.

The unlimited right to judicial protection was first enshrined in the Declaration of Human Rights and Freedoms, adopted on September 5, 1991 by the Congress of People's Deputies of the USSR as an act mandatory for execution by all government bodies, officials, public organizations and citizens.

On April 21, 1992, appropriate changes were made to the then-current Constitution of the RSFSR, adopted back in 1978 (new edition of Article 63), and then this right was included in Art. 46 of the Constitution of the Russian Federation of 1993

Third, the overall expansion of the capabilities of citizens and legal entities to dispose of their civil rights, including the right to their protection. In its most general form, it was expressed in the transition from the principle “only what is permitted is allowed,” which was in effect in Soviet times, when there was strict state control over the disposal of citizens and legal entities with their rights, to the principle “everything that is not prohibited is permitted,” i.e. .e. to a significant limitation of said control by the state and a significant expansion of the ability of citizens and legal entities to dispose of these rights - to do so at their own discretion, and not “within the limits established by law,” as was the case before.

This fundamental provision was first established regarding the right of ownership - in Art. 1 of the USSR Law “On Property in the USSR”, adopted on March 6, 1990, then in relation to all civil rights - in Art. 5 Fundamentals of civil legislation of the USSR and republics, adopted on May 31, 1991, which had a generally strong and positive impact on the development of all Russian legislation, and later - in the Constitution of the Russian Federation of 1993 (Articles 8, 34, 35, 55) .

The impact of this provision on the legislation on civil proceedings was manifested first of all in its impact on the principles of civil proceedings: the content and effect of the principle of dispositiveness (the parties' ability to dispose of their procedural and substantive rights at all stages of the process) and the closely related principle of adversarial proceedings were significantly expanded and strengthened; as a result, a reasonable balance was achieved in the interaction of these principles with the principles of legality, the active role of the court and objective truth, which, in conjunction with the principles of the rule of law, the active role of the court, and the principle of the adversarial procedure, were also strengthened.

All this gave rise (in the sphere of judicial activity) to fundamentally new ways and forms of protecting the rights, freedoms and legitimate interests of citizens and organizations and, accordingly, to the need for major changes both in the legislation defining the procedure for this activity and in the closely related legislation establishing the structure of the judicial system and the powers of the courts forming it, which had to be implemented in the course of the judicial reform that began with the onset of the 1990s.

In order to exercise judicial constitutional control (primarily over the conformity of laws to the Constitution), the Constitutional Court of the RSFSR was established, for which purpose the necessary amendments were made to the Constitution of the RSFSR on May 24, 1991 (new version of Articles 163 and 165), and on July 12, 1991 the Law "On the Constitutional Court of the RSFSR" was adopted. Then the status and powers of the Constitutional Court were defined in Article 125 of the new Constitution of the Russian Federation, and the procedure for its activity - in the Federal Constitutional Law "On the Constitutional Court of the Russian Federation" of July 21, 1994, No. 1-FKZ.

The Constitutional Court of the Russian Federation was vested (among others) with a very important power for the exercise by citizens and organizations of the right to judicial protection (it also influenced the development of legislation on judicial proceedings and judicial practice in general): on complaints of violation of constitutional rights and freedoms of citizens (this applies to organizations as well) and at the request of courts to verify the constitutionality of the law applied or to be applied in a particular case (part 4 of Article 125 of the Constitution of the Russian Federation).

**1.2 Development of simplified procedural and non-procedural procedures under the Code of Civil Procedure of the Russian Federation (legislative reforms XXI. c) :**

In the latest period of development of procedural legislation the beginning was laid by "decision in absentia" and "court order" introduced in the Civil Procedural Code of the RSFSR in 1995 and continued by "simplified proceedings" of the APC in 2002.The subsequent reforming of the civil procedure in the XXI century has revived the idea of acceleration/simplification/optimization of the process to life and active discussion. In the modern domestic doctrine it is common approach to unite all procedures differing from the general civilistic procedural form - court order, absentee proceedings, simplified proceedings - by a common and formalized denominator "acceleration" and "simplification "1. The traditional and predominant criterion for determining their nature is subject matter.

The development of court procedures is an indicator of the complication of the civilistic process, a clear manifestation of a general pattern - unification and differentiation of civilistic procedural form. And one of the main tasks of the legislator is to make sure that the objective complexity of the legal space does not entail complication of the way of access to judicial protection for interested persons. We see the conceptual ideology of this in the development of private law and procedural principles of the civilistic process. It is in such a context that we should also consider the mentioned procedures of simplified proceedings, court order, absentee proceedings. To this list could be added proceedings on insignificant claims - as it is understood abroad. Despite the fact that the Russian legislator does not use such terminology, the rules of jurisdiction of cases to a justice of the peace and the peculiarities of formation of a court decision on them give reason to discuss this procedural phenomenon.

Mandatory simplified proceedings are oriented by the legislator on the subject criterion (the value of the claim, undisputed obligations). Optional simplified proceedings have the main procedural criterion (expression of will of the parties). Simplified proceedings is a judicial and adversarial procedure that meets the basic postulates of civilized procedural form (with some peculiarities of their manifestation).

Simplified proceedings are a procedural bilateral procedure, in which the court's powers are ex officio, but are designed to occupy a predominantly subordinate place to the will of the interested parties. At the same time, the current procedural legislation in this fundamental issue - even in the optional simplified procedure - is not characterized by unity of concept.

**1.3 Reforming the Housing and Utilities Sector of the Russian Federation and the "Housing" Target Program**

In 2002, the Government of the Russian Federation adopted a resolution on the subprogram "Reforming and Modernization of the Housing and Communal Complex of the Russian Federation", the activities and amounts of financing of which should be adjusted annually in accordance with the state of the federal budget. The implementation of the subprogram was conceived within the framework of the target program "Housing" for 2002-2010. The first version of the "Housing" program was developed by the government of E.T. Gaidar, which resigned in 1992. As for the program under consideration for 2002-2010, its main objectives were presented as follows: "to create conditions for the development of the housing and housing and communal sectors of the economy and increase the level of housing provision by increasing the volume of housing construction and developing financial and credit institutions of the housing market; to create conditions for bringing the housing stock and communal infrastructure in line with quality standards that ensure comfortable living conditions; to ensure the availability of housing and communal services in accordance with the solvent demand of citizens and the standards of housing provision in the country". As for the specific subprogram we are considering, up to 2005, 3163 million rubles were allocated for it, and 54 constituent entities of the Russian Federation took part in it. The action plan included "liquidation of accounts receivable and payable debts of housing and communal enterprises; liquidation of subsidized housing and communal complex and ensuring stability and sufficiency of financing of the costs of providing housing and communal services; ensuring social protection of low-income families during the transition to full payment for housing and communal services; improvement of economic mechanisms in the housing and communal sphere; formation of favorable conditions for attracting investment in the housing and communal sector; creation of favorable conditions for attracting investment in the housing and communal sector.

## 1.4 Novelization of legislation in the sphere of verification of judicial acts in civil cases: goals and means of their achievement.

## According to information from the Explanatory Note to the draft Federal Constitutional Law "On Amending Federal Constitutional Laws in Connection with the Establishment of Courts of Cassation of General Jurisdiction and Courts of Appeal of General Jurisdiction" in the Russian Federation there is an objective need to create structurally independent courts of appeal of general jurisdiction, due to the need for the functioning of organizationally separate judicial instances in order to maximize their independence and autonomy in the consideration of appeal cases This will make it possible to improve the instance structure of courts of general jurisdiction to optimize the judicial workload.

## Thus, the objectives of the establishment of appeal courts of general jurisdiction can be considered as ensuring:

## 1. operation of the principle of independence in appeal proceedings;

## 2. monoinstancy (i.e. the appellate court exercises only appellate powers) of the new link of the system of courts of general jurisdiction;

## 3. reducing the judicial burden on regional and equal in competence courts and the Supreme Court of the Russian Federation.

## At the time of preparation of the draft law, the following situation had developed in civil, criminal and administrative proceedings:

## - the court of first instance was the judicial collegium for criminal cases of the same regional and equal court, which reviewed the interlocutory decision of the regional and equal court of first instance in the course of criminal proceedings;

## - a private complaint or representation against a ruling by a regional or equal court of first instance in a civil or administrative case was also subject to review by the appellate instance of the same court;

## - appellate complaint or representation against a decision of a regional court or a court of equal competence in an administrative case on awarding compensation for violation of the right to trial within a reasonable time or the right to execution of a judicial act within a reasonable time was considered by the appeal instance of the same court;

## - appeal complaint, representation on the decision of regional and equal in competence court, district (naval) military courts on administrative case on contesting the results of cadastral value determination, including on administrative case on contesting the decisions of the commission for consideration of disputes on the results of cadastral value determination, as well as on administrative case on contesting the actions (inaction) of such commission were considered by the appeal instance of the same court.

## - decisions of the Moscow City Court on civil cases related to the protection of copyright and (or) related rights, except for the rights to photographic works and works obtained by means similar to photography in information and telecommunication networks, including the Internet, and on which it took preliminary interim measures in accordance with Article 144.1 of the Code of Civil Procedure of the Russian Federation were verified on appeal by the appellate instance of the same court.

## In accordance with paragraphs 1, 2 of Article 19.2 of the Federal Law "On the Judicial System of the Russian Federation" the court of appeal of general jurisdiction within its competence shall hear cases as a court of appeal instance and on new or newly discovered circumstances. The appellate court of general jurisdiction is a directly superior judicial instance in relation to the regional and equal in competence courts operating in the territory of the respective judicial appellate district.

## The establishment of a court of appeal of general jurisdiction, as a rule, makes it possible to ensure double examination of a case under the jurisdiction of a regional court and a court of equal competence on the merits, qualitative appellate review of court decisions of regional courts and courts of equal competence that have not entered into legal force. courts of general jurisdiction.

## The formation of appellate courts was also aimed at reducing the judicial burden on judges of regional and equal in competence courts and the Supreme Court of the Russian Federation.

## The powers of the judicial boards of oblast and equal in competence courts include consideration of appeals and private complaints and representations against decisions and rulings of district courts which have not entered into legal force. Presidiums of regional and equal in competence courts considered cassation appeals, representations and protests against appeal rulings of judicial boards of the same courts and against decisions and rulings of district courts that had entered into legal force. In 2017, regional and courts of equal competence considered appellate complaints and representations against 508.1 thousand judicial decisions on the merits (in 2016 - 518.9 thousand). Obviously, the reduction by 5000 of the number of appellate proceedings for the verification of judicial decisions of regional and courts of equal competence that have not entered into legal force is important for the judicial workload, but in comparison with the volume of appellate and cassation verification of judicial decisions of district courts, justices of the peace is not of fundamental importance.

## The Supreme Court of the Russian Federation, in accordance with the civil procedural legislation until the changes of 2018, checked in appeal the decisions of regional and equal in competence courts, district (naval) military courts, adopted by them at first instance (activities of the Judicial Collegiums for Civil, Administrative, Criminal, Military Cases of the Supreme Court of the Russian Federation). In addition, the Supreme Court of the Russian Federation exercises the powers of appeal instance in relation to the decisions of the Supreme Court of the Russian Federation as a court of first instance (activities of the Appellate Collegium of the Supreme Court of the Russian Federation), as well as the powers of cassation (activities of the Judicial Collegiums of the Supreme Court of the Russian Federation) and supervisory (activities of the Presidium of the Supreme Court of the Russian Federation) instances. The establishment of appeal courts of general jurisdiction made it possible to exclude from the powers of the Supreme Court of the Russian Federation, in particular, the appellate review of decisions of regional and equal in competence courts, district (naval) military courts, adopted by them at first instance (paragraphs 3, 4 of part 1 of Article 320.1 of the Code of Civil Procedure of the Russian Federation, paragraph 3 of part 2 of Article 313 of the CAS of the Russian Federation), and, as a consequence, to reduce the judicial workload.

## In 2018. Judicial Collegiums of the Supreme Court of the Russian Federation considered a total of 2,396 cases (administrative, civil, criminal) and 158 materials in the appeal procedure. In the first half of 2019, a total of 1,234 appellate complaints and submissions against court rulings of regional and equal courts of first instance were considered.

## As a result, the judicial system of the Russian Federation has:

## 1. courts of appeal of general jurisdiction, arbitration courts of appeal - independent judicial links

## 2. appellate instances of district, regional and equal in competence courts, the Supreme Court of the Russian Federation.

**CONCLUSION**

Summarizing the above, it is clear that the reforms in civil jurisdiction have introduced new procedures to speed up civil proceedings, improve the quality of court decisions and enhance protection against human rights violations. Judicial reform is still underway and further improvements are needed to ensure equal access to justice for all citizens of the Russian Federation.

Judicial reform in the area of civil jurisdiction in the Russian Federation has gone through several stages. Its achievements include a reduction in the number of civil cases brought to court and the development of alternative dispute resolution methods. There are promising prospects with the introduction of more efficient procedures and a continuing trend towards greater fairness and transparency in the judicial system.

Although judicial reforms in the Russian Federation are still ongoing, progress to date is high and constantly advancing. The system is becoming more efficient, with greater emphasis on alternative dispute resolution methods. It is important to continue this progress in order to provide a more fair, impartial and accessible system for all parties involved in legal matters.

The relevance of this topic is that times are changing and the system needs new reforms that will ensure and maintain order and legality in our country.

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