

Документ подписан простой электронной подписью
Информация о владельце:
ФИО: Ястребов Олег Александрович
Должность: Ректор
Дата подписания: 25.05.2023 20:01:57
Уникальный программный ключ:
ca953a0120d891083f939673078ef1a989dae18a

**Federal State Autonomous Educational Institution of Higher Education
PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA
RUDN University
LAW INSTITUTE**

educational division (faculty/institute/academy) as higher education programme developer

COURSE SYLLABUS

**Civil and Commercial Procedures in the Russian Federation (Civil Procedural
Law and Commercial Procedural Law of the Russian Federation)**

course title

Recommended by the Didactic Council for the Education Field of:

40.04.01 JURISPRUDENCE

field of studies / speciality code and title

**The course instruction is implemented within the professional education programme of
higher education:**

BACHELOR OF LAWS (LLB)

higher education programme profile/specialisation title

1. COURSE GOAL(s)

The goals of the course are to:

- 1) gain an understanding of foreign civil justice systems in common law and civil law countries, as well as in countries with a mixed law system;
- 2) to provide knowledge about the origin of foreign systems of civil justice, the organization of the judiciary, the types and features of the sources of civil procedure, the similarities and differences in the procedural rules and approaches to litigation and dispute resolution in various states;
- 3) to consider the existing ways of unification and harmonization of the civil process of various states, as well as the development trends of civil justice in the global context.

2. REQUIREMENTS FOR LEARNING OUTCOMES

Mastering the course (module) Comparative Civil Procedure intends to train and guide students to achieve the development of following competences (competences in part):

Table 2.1. List of target competences (parts of competences)

Code (GC, GPC, PC)	Competence	Competence indicators
GPC-1	GPC-1. Can analyze the main patterns of formation, implementation and development of law.	GPC-1.1. Knows the basics of the history of law, its nature and patterns; GPC-1.2. Uses legal methodology in order to analyze the main patterns of formation, implementation and development of law; GPC-1.3. Formulates and explains their position to complete professional tasks using relevant legal information
GPC-2	GPC-2. Can apply the norms of substantive and procedural law to solve professional problems	GPC-2.1. Knows the system of branches, institutions and sources of law, understands the specifics of implementation and interaction of norms of substantive and procedural law;
GPC-8.	GPC-8. Can obtain relevant legal information in a purposeful and efficient way from various sources, including legal databases, to complete specific professional tasks using information technology and considering information security requirements.	GPC-8.1. Can obtain relevant legal information from various sources, including legal databases, processes and arranges it based on the goal; GPC-8.2. Uses information technology to complete specific professional tasks; GPC-8.3. Demonstrates the readiness to complete professional tasks while considering information security requirements.
PC-1.	PC-1. Can draft regulatory acts, formulate legal norms for various levels of rulemaking and areas of professional activity.	PC-1.1. Identifies the societal need for legal regulations of public relations in a particular area as well as gaps and conflicts in the current legislation and has the tools to overcome and eliminate them;
PC-5	PC-5 Is able to apply the comparative legal method and use the knowledge of foreign legal systems in practice.	PC-5.1. Knows the specifics of the comparative legal method and the features of its use in legal practice; PC-5.2. Knows the specifics of the legal systems, judicial systems, the legal profession structure in the major countries and the main trends of law development in the modern world;

Code (GC, GPC, PC)	Competence	Competence indicators
		PC-5.3. Can use the comparative legal method to identify general and specific features of the compared objects and search for unified legal solutions; PC-5.4. Masters the skills of using the comparative legal method and the results of comparative legal research when comparing various legal solutions and deciding on best practice, considering the international experience.

At the end of this course, students will:

know

- the basic typology of modern procedural systems and their particularities and differences;
- general structure and principles of civil procedure in the global context;
- the main sources, terms and institutes of procedural law in foreign countries;
- the debatable and problematic issues of the foreign civil process of individual countries
- the features of the functioning of individual institutions of foreign civil procedure
- the practice of applying the norms of civil procedural legislation of individual states
- the trends of development and harmonization of modern procedural law.

be able to

- analyze foreign procedural law and case-law in order to assess the perspectives of cases examination by the foreign court
- do legal analysis of particular cases and legal conflicts
- search, analyze, and work with legally relevant information by using the juridical, comparative and other specific methods
- work with judicial information (search, evaluate, use information, necessary for fulfillment of academic and professional tasks, from various sources, including application of the systematic approach)

3.COURSE IN HIGHER EDUCATION PROGRAMME STRUCTURE

The course refers to the core/variable/elective* component of (B1) block of the higher educational programme curriculum.

* - Underline whatever applicable.

Within the higher education programme students also master other (modules) and / or internships that contribute to the achievement of the expected learning outcomes as results of the course study.

Table 3.1. The list of the higher education programme components/disciplines that contribute to the achievement of the expected learning outcomes as the course study results

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
GPC-1	Can analyze the main patterns of formation, implementation and development of law.	Theory of State and Law / History of State and Law of Foreign Countries /	International Private Law / Commercial Law and Corporations /

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
		History of Russian State and Law / Civil Law / Civil and Arbitration Procedure / International Public Law / Roman Law / Comparative Civil and Commercial Law / Work Experience (Judicial) Internship	Work Experience (Pre-graduation) Internship /
GPC-2	Can apply the norms of substantive and procedural law to solve professional problems	History of State and Law of Foreign Countries / History of Russian State and Law / Civil Law / Comparative Civil and Commercial Law / Civil and Arbitration Procedure / International Public Law / Comparative Law Studies / Work Experience (Judicial) Internship /	International Private Law / Commercial Law and Corporations /
GPC-8.	Can obtain relevant legal information in a purposeful and efficient way from various sources, including legal databases, to complete specific professional tasks using information technology and considering information security requirements.	Information Technologies in Legal Practice (Fundamentals of Legal Tech) / Civil Law / Civil and Arbitration Procedure / Computer Science / Comparative Civil and Commercial Law / Work Experience (Judicial) Internship /	International Private Law / Commercial Law and Corporations / Law and Artificial Intelligence / Data Regulation and Protection in Digital Age / Communications and Internet Law and Policy / Legal Design / Legal Tech: Advanced Course / Workshop "Procedural Documents in Civil Cases" / Workshop "Negotiations and Contracts" / Work Experience (Pre-graduation) Internship /
PC-1.	Can draft regulatory acts, formulate legal norms for various levels of rulemaking and areas of professional activity.	Theory of State and Law / Administrative Law / Constitutional Law / Civil Law / Financial Law and Tax Law / International Public Law / Educational Internship /	International Private Law / Commercial Law and Corporations /
PC-5	Is able to apply the comparative legal method and use the knowledge of foreign legal systems in practice.	Russian Legal System and Legal Traditions / Comparative Law Studies / Comparative Constitutional Law and Justice / Comparative Administrative Law and Justice /	Work Experience (Pre-graduation) Internship /

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
		Comparative Civil and Commercial Law /	

* To be filled in according to the competence matrix of the higher education programme.

4. COURSE WORKLOAD AND ACADEMIC ACTIVITIES

The total workload of the course is 4 credits (144 academic hours).

Table 4.1. Types of academic activities during the periods of higher education programme mastering (**full-time training**) *

Type of academic activities	Total academic hours	Semesters/training modules			
		5/9	5/10	6/11	6/12
<i>Classroom learning, academic hours</i>	70			36	34
including:					
Lectures (LC)	26			18	8
Lab work (LW)					
Seminars (workshops/tutorials) (S)	34			18	16
<i>Self-studies</i>	69			36	36
<i>Evaluation and assessment (exam/passing/failing grade)</i>	15			3	18
Course workload	academic hours	144		72	72
	credits	4		2	2

Table 4.2. Types of academic activities during the periods of higher education programme mastering (**part-time training**) *

Type of academic activities	Total academic hours	Semesters/training modules			
		1	2	3	4
<i>Classroom learning, academic hours</i>					
including:					
Lectures (LC)					
Lab work (LW)					
Seminars (workshops/tutorials) (S)					
<i>Self-studies</i>					
<i>Evaluation and assessment (exam/passing/failing grade)</i>					
Course workload	academic hours				
	credits				

* To be filled in regarding the higher education programme part-time training mode.

Table 4.3. Types of academic activities during the periods of higher education programme mastering (**correspondence training**) *

Type of academic activities	Total academic hours	Semesters/training modules			
		1	2	3	4
<i>Classroom learning, academic hours</i>					
including:					
Lectures (LC)					
Lab work (LW)					
Seminars (workshops/tutorials) (S)					
Self-studies					
Evaluation and assessment (exam/ passing/failing grade)					
Course workload	academic hours				
	credits				

* To be filled in regarding the higher education programme correspondence training mode.

5. COURSE CONTENTS

Table 5.1. Course contents and academic activities types

Course module title	Course module contents (topics)	Academic activities types
Chapter 1. General provisions of civil procedural law and commercial procedural law	1.The forms of protecting the rights and legally protected interests of citizens and organizations. 2. The system, composition and structure, functions of the courts of general jurisdiction of the Russian Federation and commercial courts of the Russian Federation. 3. The concept of civil procedural law and commercial procedural law. 4. The subject, methods and system of civil procedural law and commercial procedural law. 5. The legal sources of civil procedural law and commercial procedural law. 6. The concept, meaning and types of principles of civil procedural law. 7. The types and legal position of the participants in civil and commercial proceedings.	LC, S
Chapter 2. The settlement of civil and commercial disputes	1. The tasks of legal proceedings in commercial courts and courts of general jurisdiction. 2. The stages of the commercial and civil procedures. 3. The types of proceedings in the civil and commercial procedures.	LC, S
Chapter 3. The proofs in civil and commercial proceedings	1.The concept and purpose of judicial evidence. 2. The factual data and means of proof. 3. The evidence facts. 4. The concept of the subject of proof in specific civil and commercial cases. 5. Disclosure of evidence. 6. The classification of evidence: primary and derivative, direct and indirect, oral and written, personal and material.	
Chapter 4. The claim	1. The concept and essence of the statement of claim. 2. The legal definition of the claim. 3.	LC, S

Course module title	Course module contents (topics)	Academic activities types
	The elements of the claim. 4. The right to claim. 5. The ways of protecting the interests of defendant. 6. The objections to the claim.	
Chapter 5. The proceedings in the court of first instance in civil and commercial proceedings	1. The preparation of cases for trial. 2. The parts of the trial. 3. The suspension and termination of proceedings on the case, leaving the application without consideration. 4. Types of court rulings in civil proceeding. 5. The content of the court decision. 6. The legal force of the court decision. 7. The correspondence decision in civil proceeding. 8. The conciliation procedures in civil and commercial proceedings.	LC, S
Chapter 6. Appeal and review of court decision	1. The main features of appeal. 2. The review of decisions that have entered into legal force. 3 The order of supervision. 4. The review of cases on newly discovered circumstances.	LC, S
Chapter 6 Legal status of foreign citizens and organisation in civil proceedings	1. The civil procedural rights of foreign citizens and stateless persons. 2. Jurisdiction of civil cases in disputes involving foreign citizens, stateless persons. 3. The order of relations on legal assistance. 4. Recognition and enforcement of decisions of foreign courts and foreign arbitrations.	LC, S
Chapter 7. The impact of digitalisation on civil and commercial proceedings	1. The impact of digitalization on civil proceedings in Russia and abroad. 2. The directions for the development of alternative ways of resolving conflicts in the era of digitalization. 3. The Impact of the Coronavirus Pandemic on Digital Dispute Resolution in Alternative Litigation	LC, S

* - to be filled in only for **full**-time training; LC - lectures; LW - lab work; S - seminars.

6. CLASSROOM EQUIPMENT AND TECHNOLOGY SUPPORT REQUIREMENTS

Table 6.1. Classroom equipment and technology support requirements

Type of academic activities	Classroom equipment	Specialised educational / laboratory equipment, software, and materials for course study (if necessary)
Lecture	Classroom for lectures, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome

Type of academic activities	Classroom equipment	Specialised educational / laboratory equipment, software, and materials for course study (if necessary)
Lab	Classroom for lab work, group and individual consultations, evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Seminars	Classroom for seminars, group and individual consultations, evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Computer classroom	Computer classroom for academic activity, group and individual consultations, evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, 30 personal computers, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Self-studies Classroom	Classroom for Self-studies, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Courtroom	Classroom for court hearing simulation equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome

* The premises for students' self-studies are subject to **MANDATORY** mention

7. RESOURCES RECOMMENDED FOR COURSE STUDY

Main reading (sources):

1. Yeazell S. C., Schwartz J. C., Carroll M. Civil procedure. Aspen Publishing, 2022. <https://books.google.ru/books?id=KSqJEAAAQBAJ&lpg=PR23&ots=clSNgIKv7R&dq=Civil%20Procedural%20Law%20and%20Commercial%20Procedural%20Law&hl=ru&pg=PR25#v=onepage&q=Civil%20Procedural%20Law%20and%20Commercial%20Procedural%20Law&f=false>
2. May, C. N., Ides, A., Grossi, S. Civil Procedure: Cases and Problems. USA: Aspen Publishing.

2022. https://www.google.ru/books/edition/Civil_Procedure/fr6YEAAAQBAJ?hl=ru&gbpv=0
3. Massaro, T. M., Spaulding, N. W., Babcock, B. A. Civil Procedure: Cases and Problems. USA: Wolters Kluwer. 2021. https://www.google.ru/books/edition/Civil_Procedure/cZMqEAAAQBAJ?hl=ru&gbpv=0
 4. Freer, R. D. Civil Procedure. USA: Wolters Kluwer. 2021. https://www.google.ru/books/edition/Civil_Procedure/IDNREAAAQBAJ?hl=ru&gbpv=0
 5. «Commercial Procedure: Nextbook», (edited by M.K. Treushnikov), Gorodets Publishing House, 2021.
 6. «Civil Procedure: Textbook», (edited by M.K. Treushnikov), Gorodets Publishing House, 2020.
 7. Civil Procedure in Russia, Second Edition 3rd Edition. Kirill Trofimov (Author), Wolters Kluwer Law & Business; 3rd edition (2017).

Additional (optional) reading (sources):

1. Rusakova, E. P. Introduction of Digital Methods of Protection of Rights as a Legal Guarantee of Business Activity in the Modern World (on the Example of China) / E. P. Rusakova, E. E. Frolova // Smart Innovation, Systems and Technologies. – 2022. – Vol. 254. – P. 121-130. – DOI 10.1007/978-981-16-4621-8_10. – EDN HMTUBF.
2. Rusakova, E. P. Current Problems of Digital Justice in the BRICS Countries / E. P. Rusakova, E. E. Frolova // Smart Innovation, Systems and Technologies. – 2022. – Vol. 254. – P. 143-153. – DOI 10.1007/978-981-16-4621-8_12. – EDN SQGIFT.
3. Rusakova, E. P. Procedural Standards for Civil Proceedings in China's Internet Courts / E. P. Rusakova, E. E. Frolova // Smart Innovation, Systems and Technologies. – 2022. – Vol. 288. – P. 187-192. – DOI 10.1007/978-981-16-9808-8_20. – EDN PYOQRR.
4. Rusakova, E. P. Robotization of Civil Proceedings: Reality or Future / E. P. Rusakova // Smart Innovation, Systems and Technologies. – 2022. – Vol. 288. – P. 211-217. – DOI 10.1007/978-981-16-9808-8_23. – EDN SUEXWX.
5. Rusakova, E. P. Judicial reconciliation as a way to popularize the jurisdictional form of protection of rights and legitimate interests in modern Russia / E. P. Rusakova, E. E. Frolova // Advances in Research on Russian Business and Management. – 2022. – Vol. 2022. – P. 147-156. – EDN KXDPOO.
6. Rusakova, E. P. Judicial reconciliation as a way to popularize the jurisdictional form of protection of rights and legitimate interests in modern Russia / E. P. Rusakova, E. E. Frolova // Advances in Research on Russian Business and Management. – 2022. – Vol. 2022. – P. 147-156. – EDN KXDPOO.
7. Frolova, E. E. Development of digital technologies for dispute resolution of economic entities as a means of increasing economic stability / E. E. Frolova, E. P. Rusakova // Advances in Research on Russian Business and Management. – 2022. – Vol. 2022. – P. 65-73. – EDN TTERSA.
8. Rusakova, E. P. Challenges of the Judicial Systems of the Russian Federation and People's Republic of China in the Era of the Pandemic / E. P. Rusakova, E. E. Frolova, L. L. Arzumanova // Modern Global Economic System: Evolutional Development vs. Revolutionary Leap : Institute of Scientific Communications Conference. – Cham : Springer Nature, 2021. – P. 1541-1549. – DOI 10.1007/978-3-030-69415-9_170. – EDN GKLMTA.

9. Rusakova, E. P. Civil litigation through the prism of digitalization: the experience of Russia, the USA and the Philippines / E. P. Rusakova, I. A. Gronik, E. V. Kupchina; Under total ed. E. P. Rusakova. - Moscow: Peoples' Friendship University of Russia (PFUR), 2021. - 109 p. – ISBN 978-5-209-11100-9. – EDN HBSYBS.
10. Rusakova, E. P. Online Litigation in the Russian Federation / E. P. Rusakova, V. V. Zaitsev // *Advances in Law Studies*. - 2020. - T. 8. - No. S5. - S. 49-54. – DOI 10.29039/2409-5087-2020-8-5-49-54. – EDN EMHOZF.
11. Ermakova, E. P. International Economic Integration and the Evolution of the Principles of Civil Procedure / E. P. Ermakova, E. E. Frolova, E. V. Sitkareva // *Modern Global Economic System: Evolutional Development vs. Revolutionary Leap* : Institute of Scientific Communications Conference. – Cham : Springer Nature, 2021. – P. 1589-1597. – DOI 10.1007/978-3-030-69415-9_175. – EDN PYEKRR.
12. Ermakova, E. P. Using Artificial Intelligence in Dispute Resolution / E. P. Ermakova, E. E. Frolova // *Smart Innovation, Systems and Technologies*. – 2022. – Vol. 254. – P. 131-142. – DOI 10.1007/978-981-16-4621-8_11. – EDN KRVMHR.
13. Ermakova, E. P. International Economic Integration and the Evolution of the Principles of Civil Procedure / E. P. Ermakova, E. E. Frolova, E. V. Sitkareva // *Modern Global Economic System: Evolutional Development vs. Revolutionary Leap* : Institute of Scientific Communications Conference. – Cham : Springer Nature, 2021. – P. 1589-1597. – DOI 10.1007/978-3-030-69415-9_175. – EDN PYEKRR.

Internet-(based) sources:

1. Electronic libraries with access for RUDN students
 - RUDN Electronic library system <http://lib.rudn.ru/MegaPro/Web>
 - Electronic library system «University Library online» <http://www.biblioclub.ru>
 - Electronic Library «URAIT» <http://www.biblio-online.ru>
 - Electronic library system «Student. Consultant»www.studentlibrary.ru
 - Electronic library system «Lan» <http://e.lanbook.com/>
 - Electronic library system "Troitskyi most"

Internet-(based) sources (others):

1. Justice on GOV.UK. 86th Update to the Civil Procedure Rules // <https://www.justice.gov.uk/courts/procedure-rules/civil>
2. Courts and Tribunals judiciary. The Structure of the Courts // <https://www.judiciary.gov.uk/wp-content/uploads/2012/08/courts-structure-0715.pdf>
3. La Cour de cassation // <https://www.courdecassation.fr/> Zivilprozessordnung. <http://www.gesetze-im-internet.de/zpo/index.html>
4. Wikipedia // Dispute Resolution // https://en.wikipedia.org/wiki/Dispute_resolution Dispute Resolution Processes // American Bar Association //
5. Dispute Resolution// This guide is based on UK law // <http://www.out-law.com/page-420>
6. Litigation and enforcement in UK (England and Wales): overview. <http://uk.practicallaw.com/7-502-0631>
7. The European e-Justice Portal - <https://e-justice.europa.eu/home>.

2. Databases and search engines:

- Electronic Legal and Regulatory Documentation Fund <http://docs.cntd.ru/>
- Search system Yandex <https://www.yandex.ru/>
- Search system Google <https://www.google.ru/>
- SCOPUS <http://www.elsevierscience.ru/products/scopus/>
- Google Scholar <https://scholar.google.com/>

Training toolkit for self- studies to master the course *:

* The training toolkit for self- studies to master the course is placed on the course page in the university telecommunication training and information system under the set procedure.

8. ASSESSMENT TOOLKIT AND GRADING SYSTEM* FOR EVALUATION OF STUDENTS' COMPETENCES LEVEL UPON COURSE COMPLETION

The assessment toolkit and the grading system* to evaluate the competences formation level (competences in part) upon the course study completion are specified in the Appendix to the course syllabus.

* The assessment toolkit and the grading system are formed on the basis of the requirements of the relevant local normative act of RUDN University (regulations / order).

DEVELOPERS:

Associate Professor of the
Department of
Civil Law and Procedure and
Private International Law

Ekaterina P. Rusakova

Position, Name of the Department

Signature

Full name

HEAD OF EDUCATIONAL DEPARTMENT:

Head of the Department of
Civil Law and Procedure and
Private International Law,
Full Professor

Evgenia E. Frolova

Position, Name of the Department

Signature

Full name

HEAD OF HIGHER EDUCATION PROGRAM:

Director of the Law Institute

Sergey B. Zinkovskiy

Position, Name of the Department

Signature

Full name