



COURTS and TRANSITION in RUSSIA

*The Challenge
of Judicial Reform*



PETER H. SOLOMON, JR.

TODD S. FOGLESONG

Courts And Transition In Russia The Challenge Of Judicial Reform

Alexei Trochev



Courts And Transition In Russia The Challenge Of Judicial Reform:

Courts And Transition In Russia Peter H., Jr. Solomon, 2018-02-23 It is hardly a revelation to say that in the Soviet Union law served not as the foundation of government but as an instrument of rule or that the judiciary in that country was highly dependent upon political authority Yet experience shows that effective democracies and market economies alike require courts that are independent and trusted In Courts and Transition in Russia Solomon and Foglesong analyze the state and operation of the courts in Russia and the in some ways remarkable progress of their reform since the end of Soviet power Particular attention is paid to the struggles of reformers to develop judicial independence and to extend the jurisdiction of the courts to include constitutional and administrative disputes as well as supervision of pretrial investigations The authors then outline what can and should be done to make courts in Russia autonomous powerful reliable efficient accessible and fair The book draws upon extensive field research in Russia including the results of a lengthy questionnaire distributed to district court judges throughout Russian Federation Written in a clear and direct manner Courts and Transition in Russia should appeal to anyone interested in law politics or business in Russia scholars and practitioners alike as well as to students of comparative law legal transition and courts in new democracies **Courts And Transition In Russia** Peter H.

Solomon, Todd S. Foglesong, 2000-08-21 The authors analyse the state and operation of courts in Russia and the progress of their reform since the end of Soviet power before outlining what can and should be done to make courts in Russia autonomous powerful reliable efficient accessible and fair **Public Policy And Law in Russia: In Search of a Unified**

Legal And Political Space Robert S. Sharlet, F. J. Ferdinand Joseph Maria Feldbrugge, Donald D. Barry, 2005 This work traces the attempt to complete the creation of a unified legal and political system in contemporary Russia Multiple political and legal aspects of the problem are examined by both political scientists and legal scholars The volume focuses on post Soviet developments in Russia especially during the Putin administration The contributors perspectives include constitutional law judicial development law reform human rights federalism and international law The collective study finds that much progress has been made toward the unification of political and legal space in Russia although significant problems remain to be addressed in order for the process to continue to move forward **Law and Legal System of the Russian Federation -**

Sixth Edition Peter B. Maggs, Olga Schwartz, William Burnham, 2015-01-01 This book is a detailed treatment of the Russian legal system written especially for English speaking law students and lawyers While it is designed primarily as a casebook extended discussions of the law numerous citations to original Russian sources and detailed suggestions for finding these sources on the Internet also make it useful as a reference for scholars specializing in Russian studies and for lawyers who know Russian but not Russian law The authors have decades of experience following the Russian legal system with one concentrating on human rights court procedure and criminal law and procedure the other on civil commercial and tax law Chapters cover key aspects of the Russian legal system including sources of law the judicial system the legal profession

constitutional law individual rights civil and commercial law civil procedure private international law foreign investment law criminal procedure administrative law and tax law The book covers major changes in Russian law since the previous edition was published including more reliance on judicial precedent increasing the independence of criminal investigators from prosecutors dealing with abuse of the legal system by corrupt officials to steal businesses from their rightful owners and closing loopholes in the tax system The new edition also chronicles the continuing struggle of the European Court of Human Rights and activist Russian lawyers to push Russian law toward international standards

International and National Law in Russia and Eastern Europe Ferdinand J.M. Feldbrugge, Roger Clark, Stanislaw Pomorski, 2021-11-22 The disappearance of the USSR as a superpower to be replaced by the Russian Federation and a host of new states has had wide ranging consequences in the field of law The establishment of market economies and the need to set up institutional frameworks to foster the rule of law have precipitated comprehensive domestic law reforms in the countries concerned The major focus of the present work however is on the metamorphosis of the network of international law relations brought about by the fundamental change in the political and constitutional climate and the emergence of numerous new actors Apart from the relations between states as the classical province of international law the impact of international law on national legal orders has acquired overwhelming importance and the successor states of the Soviet Union have not escaped the effect of this development Some of the most urgent questions thrown up by these developments are analyzed by a team of leading legal specialists from the Russian Federation North America and Western Europe

Routledge Handbook of Russian Politics and Society Graeme Gill, James Young, 2013-03 There is an ever burgeoning number of books analyzing the Russian experience or aspects of it This Handbook is the first single volume which gives both a broad survey of the literature as well as highlighting the cutting edge research in the area Through both empirical data and theoretical investigation each chapter in the Routledge Handbook Russian of Politics and Society examines both the Russian experience and the existing literature points to research trends and identifies issues that remain to be resolved Offering focused studies of the key elements of Russian social and political life the book is organized into the following broad themes General introduction Political institutions Political Economy Society Foreign Policy Politically economically and socially Russia has one of the most interesting development trajectories of any major country This Handbook seeks to answer questions about democratic transition the relationship between the market and democracy stability and authoritarian politics the development of civil society the role of crime and corruption and the creation of a market economy Providing a comprehensive resource for scholars and policy makers alike this book is an important contribution to the study of Russian Studies Eastern European studies and International Relations

Politics, Judicial Review, and the Russian Constitutional Court C. Thorson, 2012-02-07 Analysis of why politicians are driven to create an independent judicial institution with the authority to overrule their decisions It focuses on a country with no tradition of independent judicial review Russia History does not support an

independent judiciary here yet a potentially powerful constitutional court has existed for 20 years

The Judicial System of Russia Kathryn Hendley, Peter H. Solomon Jr., 2023-11-24 The Judicial System of Russia paints a portrait of the courts of the Russian Federation under Putin how they work in practice and what shapes the behaviour of its judges It stresses the dual nature of a judicial system where ordinary cases are for the most part handled fairly but where cases of interest to powerful persons are subject to influence a common situation in authoritarian states In so doing the authors trace the origins of some contemporary practices to the Soviet past but also identify novelties They pay close attention to the struggles of reformers to make the courts fairer and more efficient along with the measures taken to ensure that judges conform to the expectations of their political masters This means dealing with the evolution of judicial governance including the selection promotion and disciplining of judges In studying the actual operation of the courts the authors take a socio legal approach emphasizing how different players petitioners respondents lawyers prosecutors accused judges behave and why This means dealing with the full gamut of courts from justices of the peace through the Supreme and Constitutional Courts and analysing their conduct in ordinary civil disputes criminal cases business disputes administrative justice claims against state officials and constitutional matters The authors also examine the relation of the public to the courts including its readiness to litigate disputes despite generally negative views of the courts This analysis of the administration of justice in Russia covers both the Constitutional Amendments of 2020 and developments relating to the first months of the 2022 War in Ukraine It is a must read for academics practitioners and all those with an interest in comparative courts and Russia's judicial system

The Culture of Judicial Independence Shimon Shetreet, 2015-01-27 The Culture of Judicial Independence Rule of Law and World Peace is the third book by Shimon Shetreet on Judicial Independence The first was Judicial Independence The Contemporary Debate edited by Shimon Shetreet and Jules Deschênes Nijhoff 1985 The second was The Culture of Judicial Independence Conceptual Foundations and Practical Challenges Edited by Shimon Shetreet and Christopher Forsyth Nijhoff 2012 This volume contains essays by senior academics judges and practitioners across jurisdictions offering an analysis of several central issues relative to the culture of Judicial Independence These include judicial review human rights democracy the rule of law and world peace constitutional position of top courts relations between the judiciary and the other branches of government impartiality and fairness of the judicial process judicial ethics dispute resolution in arbitral awards and international investments international courts and cross country issues judicial selection The volume also offers an update report on the International Project of Judicial Independence of the International Association of Judicial Independence and World Peace including the relations of top courts and international courts administrative judges culture of judicial independence and public inquiries by judges

The Judiciary in Central and Eastern Europe Zdenek Kühn, 2011-10-28 The book analyses the judicial culture in East Central Europe from the era of Stalinism up to the post Communist period of the 1990s and 2000s The book targets the judicial ideology and the conception of law phenomena most resistant to change

Former Soviet Union: U.S. Rule of Law Assistance Has Had Limited Impact Stephen Lord, James Michael, 2001-10 The rule of law RoL assistance provided by the U S embodies the basic principles of equal treatment of all people before the law and is founded on a predictable and transparent legal system with fair and effective judicial and law enforce institutions In order to determine whether the U S government s RoL assistance program within the 12 new independent states that emerged from the breakup of the Soviet Union has been effective this report 1 assesses the extent to which the program has had an impact on the development of the RoL and whether the program results are sustainable and 2 analyzes the factors that may have affected the program s impact and sustainability Charts and tables Judging Russia Alexei Trochev, 2008-04-28 This is a study of the actual role that the Russian Constitutional Court played in protecting fundamental rights and resolving legislative executive struggles and federalism disputes in both Yeltsin s and Putin s Russia Trochev argues that judicial empowerment is a non linear process with unintended consequences and that courts that depend on their reputation flourish only if an effective and capable state is there to support them This is because judges can rely only on the authoritativeness of their judgments unlike politicians and bureaucrats who have the material resources necessary to respond to judicial decisions Drawing upon systematic analysis of all decisions of the Russian Court published and unpublished and previously unavailable materials on their non implementation and resting on a combination of the approaches from comparative politics law and public administration this book shows how and why judges attempted to reform Russia s governance and fought to ensure compliance with their judgments **Politicized Justice in Emerging Democracies** Maria Popova, 2012-01-31 This book proposes a strategic pressure theory that argues that in emerging democracies political competition eggs on rather than restrains power hungry politicians Choosing for Juries Nazim Ziyadov, 2013 Why do governments try to limit the application of jury trials both in countries where jury trials are native and in countries that have more recently instituted them This is a critical question today as government authorities are trying to limit the role of juries especially when it comes to complex fraud cases national security terrorism cases and cases where juries seem to have a propensity for high acquittal rates Therefore understanding how governments are promoting and constraining jury trials is important This book analyzes the reasons that motivate governments to introduce jury trial practices and the factors that condition the role these types of trials play in the administration of criminal justice systems as a whole The book s research derives its finding from the comparative analysis of criminal justice systems of the United Kingdom the Russian Federation and the Republic of Azerbaijan It also assesses prospects of the application of jury trials in the Republic of Azerbaijan based on analysis of the criminal justice systems of countries where these practices already exist

Former Soviet Union United States. General Accounting Office, 2001 *Judicial Independence in the Age of Democracy* Peter H. Russell (eds), David M. O'Brien, 2001 This collection of essays by leading scholars of constitutional law looks at a critical component of constitutional democracy judicial independence from an international comparative perspective Peter H

Russell's introduction outlines a general theory of judicial independence while the contributors analyze a variety of regimes from the United States and Latin America to Russia and Eastern Europe Western Europe and the United Kingdom Australia Israel Japan and South Africa Russell's conclusion compares these various regimes in light of his own analytical framework

Understanding Ukrainian Politics: Power, Politics, and Institutional Design Paul D'Anieri, 2015-01-28 Ukraine made headlines around the world during the winter of 2004-05 as the colorful banners of the Orange Revolution unfurled against the snowy backdrop of Kyiv signaling the bright promise of democratic rebirth But is that what is really happening in Ukraine In the early post Soviet period Ukraine appeared to be firmly on the path to democracy The peaceful transfer of power from Leonid Kravchuk to Leonid Kuchma in the election of 1994 followed by the adoption of a western style democratic constitution in 1996 seemed to complete the picture But the Kuchma presidency was soon clouded by dark rumors of corruption and even political murder and by 2004 the country was in full blown political crisis A three stage presidential contest was ultimately won by Viktor Yushchenko who took office in 2005 and appointed Yulia Tymoshenko as premier but the turmoil was far from over The new government quickly faltered and splintered This introduction to Ukrainian politics looks beyond these dramatic events and compelling personalities to identify the actual play of power in Ukraine and the operation of its political system The author seeks to explain how it is that after each new beginning power politics has trumped democratic institution building in Ukraine as in so many other post Soviet states What is really at work here and how can Ukraine break the cycle of hope and disillusionment

The Return Daniel Treisman, 2012-01-10 Assesses modern day Russia to consider such topics as whether the collapse of the Soviet Union was preventable Yeltsin's impact on political order and Putin's public popularity

Russia, Europe, and the Rule of Law Ferdinand J.M. Feldbrugge, 2007-03-31 During the last two decades Russia has gone through a process of radical political and socio economic transformation The legal system has reflected the various stages of this process and has also been a major agent in moving it forward The country is at a crossroads now External observers are sharply divided in evaluating the performance and intentions of the Russian leadership Russia itself is involved in finding out where it stands What sort of federation does it want to be How will it define its relationship to Europe and to its former sister republics The answers to such questions fundamentally affect the future shape of Russian law At the same time existing legal structures may predetermine the course Russia will take

Crime, Criminal Justice and Criminology in Post-Soviet Ukraine Todd S. Foglesong, 2001

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