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# KAZAN UNIVERSITY LAW REVIEW

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# KAZAN UNIVERSITY LAW REVIEW

**Volume 9, Autumn 2024, Number 4**

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**Dear readers,**

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

The issue you are now holding in your hands contains articles on topical issues in the theory and practice of Russian and foreign law.

The issue starts with an article by Soma Somoskői, Second-year PhD student of the Department of Agricultural and Labour Law of the Institute of Civil Law of the University of Miskolc, "An investor's journey from agricultural land to solar power plant in Hungary". In the study, the author considers the mechanism of creating a solar park, describing the problems associated with the implementation of this procedure. In particular, it concerns the impossibility for investors-legal entities to acquire ownership of a certain category of land until the moment of its withdrawal from the status of agricultural land. The researcher points out ways to change the use of land, including relying on the Land Transfer Law. Acquisition of ownership through local government intervention is considered by the researcher as one of the ways to change the category of land, and the idea of securing ownership of a certain area through a preliminary purchase agreement is presented.

The issue continues with a study by Ekaterina Fomicheva, Fourth-year section commander of the Investigators' Training Faculty, and Sergey Melnik, Candidate of Legal Sciences, Associate Professor, Professor of the Department of Civil law disciplines, V. V. Lukyanov Orel Law Institute of the Ministry of Internal Affairs of Russia, "Writ proceedings in civil procedure: some problems and tendencies of development". In the article, the authors have considered writ proceedings as a simplified form of resolution of civil cases in courts of general jurisdiction, aimed at optimizing justice. The effectiveness of this type of proceeding is due to the existing number of problems associated with the procedure of court writ, its issuance, and revocation. The authors have identified controversial aspects of writ proceedings, which are expressed in insufficient legislative regulation, requiring clarification or amendment of the existing norms of civil procedural legislation, and difficulties in the implementation of court writ proceedings in practice (procedural activity of courts and bodies carrying out the enforcement of court writ). The advantages that distinguish court writ for the realization of the main purpose of justice — protection

of legitimate rights and interests are considered. The authors formulate proposals to improve the current procedural legislation, allowing to eliminate the shortcomings of writ proceedings.

The next research is presented by Guzel Burganova, Candidate of Legal Sciences, Senior Lecturer of the Department of Criminal Procedure and Criminalistics, and Karina Avshalumova, Second-year Master's student of the Department of Theory and History of State and Law, Kazan Federal University. The article "Ensuring a fair balance of individual and collective interests in the use of land designated for burials" describes the problem of the use of civil burials with the balance of public and private interests. The authors point out that ensuring the rational use and protection of burial grounds is a very important task of land legislation. Establishing a balance between cultural and religious traditions and family ties is an activity that the state formalizes in a legal framework. The study considers the process of land development of war burial grounds, as it is about public interests in the context of regulating the use of these territories, since the lands where war burials are located are the object of special attention of the state and society and represent historical and memorial value.

I am sincerely glad to present to you the study by Ilya Gruzdev, Second-year Candidate student of the Department of Environmental, Labor Law and Civil Procedure, Faculty of Law, Kazan Federal University, "Foreclosure of certain types of property: general statements through the prism of the principle of inviolability of private property". The article reviews the principle of inviolability of private property in the context of Russian legislation, starting from its enshrinement in the Fundamental State Laws of 1906 and up to the modern Constitution of the Russian Federation. The author analyzes the evolution of this principle, its theoretical understanding, as well as the legal positions of the Constitutional Court of the Russian Federation. Two key aspects of inviolability are considered: the right to inviolability as the ability to be protected from encroachments and actual inviolability as the state of property protected by the state. Special attention is paid to various interpretations and legal approaches to the limitation of this principle, including the obligations of the state to protect the rights of owners and the balance of interests of private and public parties. The article discusses practical mechanisms for the protection of private property, including exclusion from the enforcement of court decisions as well as compensation when property is confiscated for state needs.

The issue finishes the issue with a "Conference Reviews" section containing the article by Aynur Yalilov, Executive Partner of Yalilov & Partners Law Firm, Chairman of the Kazan Federal University Law Faculty Alumni Association, Executive Director of the Kazan International Legal Forum, Chairman of the International Association of Lawyers and Consultants (IALC), Candidate of Legal Sciences, "Kazan International Legal Forum: a new Chapter in Kazan's legal history".

In the article, the author reviews the results of the III Kazan International Legal Forum, which was held in Kazan on September 26–27. The special role of the Forum as a platform for promoting the ideas of legal modernization and raising the level of legal literacy in business is pointed out. The described objectives of the Forum emphasize the modern approach to law, which is not limited to legal norms but includes a wide range of social and economic factors. The Forum emphasizes the importance of interaction between the state and society, the creation of a proactive legal community, and the development of tools necessary for successful law enforcement practice in the light of new challenges.

*With best regards,*
*Editor-in-Chief*
***Damir Valeev***

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ARTICLES

**Soma Somoskői**

Second-year PhD student of the Department of Agricultural and Labour Law of the Institute of Civil Law of the University of Miskolc

# AN INVESTOR'S JOURNEY FROM AGRICULTURAL LAND TO SOLAR POWER PLANT IN HUNGARY

DOI: 10.30729/2541-8823-2024-9-4-183-199

**Abstract.** *During the establishment of a solar park with a large area requirement, a preliminary problem arises that legal entity investors cannot acquire the ownership of property outside the scope of the Land Transfer Act until it is taken out of agricultural use. For this reason, there are two ways to change the land use prior to the first phase of the investment. One is the acquisition of the right of use under the scope of the Land Transfer Act and the subsequent securing of the ownership of the area with a pre-purchase agreement, while the other is the acquisition of ownership through the intervention of the local government.*

**Keywords:** *solar park, major investment, land transaction, strategic agreement, cultivation branch, municipal property, municipal land usage.*

## Introduction

In recent years, we have all faced with changes in the price of electricity. Nowadays, companies and investors who act responsibly, adapting to the changed circumstances, invest in industrial solar systems in order to significantly reduce future energy price fluctuations. With the current electricity prices, the investment will pay for itself within a few years, thus bringing back the amount of the investment. It is especially beneficial for businesses with high energy consumption that their energy costs can be planned, their dependence on energy providers is reduced,

they gain a competitive advantage, and in the midst of carbon neutrality efforts, it represents a non-negligible marketing advantage.

In the context of agricultural law and the Hungarian real estate structure, there are two main problems that a legal entity investor has to face when he wants to establish a solar power park on an exterior land under cultivation. Firstly, the Land Transfer Act does not allow legal entities to acquire ownership of lands subject to the Land Transfer Act *(Act CXXII of 2013 on Transactions in Agricultural and Forestry Land — hereafter referred to as: Land Transfer Act of Lta. — Section 9 (1) c): "Ownership of land may not be acquired by legal persons, except as provided for in this Act.")*, and secondly, the land involved in the investment is almost without any exceptions owned by different owners, often in joint ownership, and registered as separate properties under separate parcel numbers at the Land Registry Office, which makes the whole contracting and land acquiring procedure extremely lengthy and complicated.

My present article aims to highlight some elements of my PhD research, which aims to reveal the regulations regarding the implementation of solar power parks by legal entities that feeds back electricity into the central system.

## The first solution: the preliminary sales contracts[1]

To overcome the difficulties of legal entities in acquiring land ownership, my first — less efficient — proposed solution for any investor is to enter into long-term leases with the owners of the property to be acquired in order to obtain the right to use the land to be affected by the investment. These leases must be concluded for a period of at least 6 years, since the Lta. states that land use right shall not exist on condition that the party acquiring the land use right undertakes in the contract for the transfer of land use right (hereinafter referred to as: "land use agreement") to maintain compliance with conditions set out in the Lta. during the term of the land use agreement, and not permit third-party use of the land, and to use the land himself, and in that context to fulfill the obligation of land use[2].

So with a long-term lease agreement investors get the right to use the land — on which they want to accomplish their investment — agriculturally. With this they won't be able to start their investment, so at the end of this term the land utilization

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[1] *See more: István Olajos*. A Földforgalomhoz kapcsolódó szerződések anyagi és eljárási kérdései in Publicationes Universitatis Miskolcinensis Section Juridica at Politica [Material and procedural issues of contracts related to land traffic in Publicationes Universitatis Miskolcinensis Section Juridica at Politica] 2017/1. Pp. 381–392.

[2] Lta. section 42 (1) compare to: *István Olajos*. Földjogi Kiskáté — kérdés, felelet a magyar földjog aktuális kérdéseiről in Miskolci Jogi Szemle [Land Law Review — questions and answers on current issues of Hungarian land law in Miskolc Law Review], 2017/2. különszám. Pp. 409–417.

has to be changed from agricultural usage to industrial utilization. In order to do so, at the same time the investor signs the lease agreement, the parties also have to sign a preliminary sales contract, which can be closed after 6 years — by the end of the lease agreement, to acquire the ownership of the industrial land[1].

According to the Lta., ownership acquisition rights shall exist on condition that the acquiring party undertakes in the contract for the transfer of ownership not to permit third-party use of the land, and use the land himself, and in that context to fulfill the obligation of land use, and agrees not to use the land for other purposes for a period of five years from the time of acquisition *(Lta. section 13 (1))*. This 5 year restriction is what makes it necessary to sign at least 6 years long lease agreements.

This solution is problematic not only because of its length, but also because the Hungarian agricultural law also includes the institution of the pre-lease right, which belongs to every natural and local agricultural legal person according to the § 46 of the Lta. These persons may conclude the lease contract instead of the investor, in the order provided by the Lta, which makes it impossible to carry out the investment. There are some given cases listed in the act, in which the pre-lease right cannot be exercised, namely "The right of first refusal shall not apply

— to any lease agreement between close relatives; or

— to farm-transfer contracts which aim to transfer the land use right; or

— to lease arrangements between an agricultural producer organization, as the land user, and any member thereof who has at least 25 percent ownership share, or his/her close relative, or any person employed by such organization for at least three years, as the landlord;

— to any lease arrangement for forest land between a forest management association, as the land user, and its member, as the landlord;

— to lease arrangements relating to farmsteads *(Lta. section 48 (1))*.

In practice, neither the right of first refusal nor its exceptions can benefit the large investor, as they essentially facilitate the acquisition of land use right by farmers under a leasehold, and thus work against a large investor. The high degree of luck element precludes an investor from acquiring the land use right through a lease agreement and then using the pre-contractual sale and purchase methodology to acquire the property.

Should any investor be lucky enough that no person entitled to their first right of refusal exercises their first refusal right, a lease contract is concluded between the landowner and the investor, after the contract has been approved by the specialized administrative body *(Lta. section 51 (1))*. From this moment, the lessor is not allowed

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[1] *Csilla Csák*. A fenntarthatóság természeti erőforrásgazdálkodás jogi szabályozása in Műszaki Földtudományi Közlemények [Legal regulation of sustainability in natural resource management in Geotechnical Engineering Publications], 2013/2. P. 73–86.

to change the purpose of the land utilization for 5 years. If any investor is about to start a big solar power park investment on the 1st of June 2023, the actual works could only start in 2029, and until that time comes, the investor is obliged to use the land agriculturally, for which big companies are not ready for.

**Problems arising from the preliminary sales contracting**

The right of land use acquired by the lease agreement does not allow the use of the agricultural land for industrial purposes. The solution to this issue is to acquire the ownership of the property.

Since legal persons, including business companies, cannot acquire the ownership of agricultural lands in Hungary — with the narrow exceptions set out in the Lta. — the acquisition procedure must be structured properly, and before the conclusion of the sales contract, arrangements must be made to ensure that the land is transferred in a state in which the property is extracted from cultivation, this being the case, the restrictions on agricultural lands do not apply and the legal person carrying out the investment can acquire the land.

Given that this is a long period of uncertainty, it is advisable to settle the obligations of the parties in a preliminary sales contract concluded at the same time as the long-term lease agreement, in which the investor's obligation is essentially limited to financing the extraction. I must mention the jurisprudential point inherent in the pre-contract, namely that the seller's obligation is not merely to transfer the "thing" (the property) — "dare" –, but to perform acts which will bring about a future thing or state of affairs requiring his active intervention — "facere". Thus, the pre-contract falls into the category of "emptio spei", a contract for something that will happen or create in the future and is unascertained.

According to the § 215 of the 6th book of the Act V of 2013 of the Civil Code (hereafter referred to as: Civil Code), the parties have to implement in the preliminary sales contract their names and contractual status, the purchase price, the payment's structure and the exact data of the property in order to be able to identify it. To avoid legal loopholes in the future, it is also important that the preliminary sales contract also makes clear that by the purchase price both parties understand the price of the industrial land in 2029. The payments structure could consist about the next steps:

— The first 10% of the price could be paid at the time of the preliminary contracting,

— the next 10% is due as soon as the construction plan is ready,

— after that the next 50% comes by the "ready to go status" when the owner provides the construction permits,

— and the final 30% after the investor gets registered as the owner of the property.

After this, we should look at the problems arising from the closing of the sales contract. There are four main concerns I would like to mention:

1. The first one is that the Lta, and the Hungarian land transaction law can change at any time during this 5-year period and the investor has no control over it.

2. The second concern is that not only the land transaction law could be the subject of change, but also the Act CXXIX. of 2007 on the Protection of Agricultural Land — and with it the land protection law — might see changes at any moment, and the investor cannot intervene.

3. The next big question is the legal principle known as the "Clausula rebus sic stantibus", which enables the seller to file a civil lawsuit against the investor, because the circumstances have changed since the signing of the preliminary sales contract — usually the price of the real estate got higher.

4. The fourth and last problem is that we have to compare this solution to the other one — and this will become clear as soon as I explain the method of the strategic investment agreement. The preliminary contracting takes a lot of time (at least 6 years) until the investor can finally start carrying out the investment, and far more expenses, which he has to take as a loss and lost profit, and no investor likes lost profit.

The first two of the concerns mentioned above do not require further explanation, but I would like to explain my economic position on the third.

According to the §73 of the 6th book of the Civil Code "if the parties agree to conclude a contract between each other at a subsequent date, and they determine the substantial terms of this contract, the court may form the contract at the request of either party in accordance with the agreed terms (…). Either party may refuse to conclude the contract if he proves that

a) due to circumstance that occurred following the conclusion of the pre-contract, the performance of the pre-contract under the same terms would harm his substantial legal interest;

b) the possibility of a change in the circumstances was not foreseeable when the pre-contract was concluded;

c) the change in circumstances was not caused by him; and

d) the change in circumstances falls outside his normal business risk" *(Civil Code Section 6:73 (1) and (3)).*

The rising of real estate and property prices is now a well-known fact in Hungary. Looking at the period of 2011–2019, roughly 90% of the sold agricultural lands were ploughs[1].

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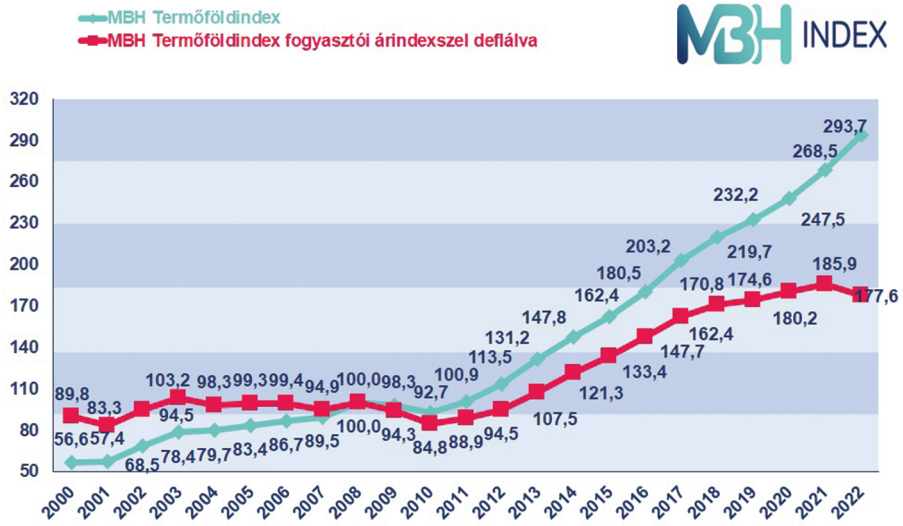
[1] *Csilla Csák*. Land prices — Slide 1 II. Miskolci Agrárjogi Fórum 2023. március 22 [Land prices — Slide 1 II Miskolc Agricultural Law Forum 2023 March 22.]: https://elearning.uni-miskolc.hu/zart/mod/folder/view.php?id=84215 (date of download: 28.12.2023).

In recent years, the price of a hectare of land has risen to 4–5–6 million forints, but similar prices of around 4.5–5 million were also seen at state auctions[1].

Based on this increase, land prices could reach up to 7–9 million forints per hectare by the time the final sales contracts are concluded in 2029. These are the foreseeable circumstances that parties should expect when entering into a pre-contract, but the increase in land prices is not necessarily predictable on a linear basis.




(The table is available on the AgrárUnió website)[2]

Recently a parabolic increase has started in land prices, which may already justify a reference to clausula rebus sic stantibus. If prices continue to rise, it can be invoked by the seller, and if there is a drastic fall, it can be invoked by the buyer.

If the conditions of the clausula rebus sic stantibus are fulfilled, the party may refuse to comply with the pre-contract, i.e. to conclude the contract. There is no guarantee that the legal relationship will remain unchanged; factors and circumstances may always arise which require a "review" of the original contractual relationship. In a "prospective" contractual relationship, where parties undertake to enter into a contract in the future (pre-contract), a change of circumstance is

[1] Agrárszektor: Óriási változások várhatók a földpiacon: jön az új szabályozás? [Farming sector: huge changes in the land market: new regulation coming?] AGRARSZEKTOR.HU 2023. DECEMBER 1. 06:01 in https://www.agrarszektor.hu/fold/20231201/oriasi-valtozasok-varhatok-a-foldpiacon-jon-az-uj-szabalyozas-46336# (date of download: 29.12.2023).

[2] AgrárUnió. Töretlen a termőföld árak emelkedése [Unbroken rise in farmland prices]. AGRÁRGAZDASÁG 2023.08.23. in https://www.agrarunio.hu/hirek/agrargazdasag/10752-toretlen-a-termofoldarak-emelkedese (date of download: 28.12.2023).

relatively easy to remedy: the parties have the possibility to enter into a contract with modified content. On the other hand, the contracting party may refuse to conclude the contract if the above conditions are met. In this case — i.e. where the contract is lawfully refused — the contract is not concluded at all. (Juhász, 2020 [13]–[14])

The lack of foreseeability of certain circumstances is a ground for exemption from the obligation to conclude a contract. Foreseeability always refers to the possibility of the entity involved (in this case, the contracting party) to "foresee the future" and its limits, and this is what is assessed in the contractual relationship. It is important to note that the case-law also links the foreseeability or unforeseeability of a circumstance or cause to the test of what is normally to be expected, and considers a given factor to be unforeseeable — at the time of the conclusion of the contract — if the party could not have foreseen it even if it had exercised the care normally to be expected. If the factor had been foreseeable to the contracting party under the standard of reasonableness, the party's claim cannot prevail because it cannot base its claim on its own negligence[1].

My point is that the economic perspective of the new Civil Code and Hungarian private law properly assess and offer excellent legal solutions to the unpredictable price increases of all real estates, including agricultural lands. In my opinion the emphasis is primarily on the parties' willingness to seek consensus, since they have the option to set a different purchase price from the price set in the preliminary contract when the final contract is concluded — this depends only on the ability and willingness to pay the existence of the intention to sell or buy — and to invalidate the preliminary contract at the same time. If, however, the parties fail to reach a consensus, the final contract can be enforced in court, but the final sales contract can be avoided by invoking unforeseeability in the course of the lawsuit.

## The second solution: concluding a Strategic Investment Agreement with the local municipality

Now that the difficulties with the pre-purchase and leasing are clearly visible, I do not know of any investor who would like to set up a solar park in Hungary using this method. In order to overcome these shortcomings, I have tried to develop a second solution, which already meets the requirements of the business world, the so-called Strategic Investment Agreement *(Somoskői (author): In the present case this agreement will govern all aspects of the legal relationship between the parties, and in Hungarian law this agreement has contractual force)*.

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[1] *Ágnes Juhász*. A bírói szerződésmódosítás jogintézményének alkalmazhatósága a hatályos Ptk. és a kapcsolódó bírói gyakorlat szerint [13]–[14] Polgári Jog 2020/3-4 [The application of the legal institution of judicial contract modification is based on the current Civil Code and according to the relevant court practice [13]–[14] Civil Law 2020/3-4]. — Tanulmány in https://net.jogtar.hu/jogszabaly?docid=a2000203.poj (date of download: 28.12.2023).

The main part of this solution is to conclude an investment agreement between the investor and the local municipality, where the investor's primary obligation is essentially to finance the purchase of agricultural lands by the municipality.

The agreement may provide monitoring right for the investor to follow the relevant municipal asset management decrees and, if necessary, to attend the meetings of the municipal council with the right of consulting.

After the Strategic Investment Agreement is signed, the investor provides the municipality the funds needed to buy the agricultural lands for industrial purpose and the municipality can start the project, by providing the land usage right to the investor. In order to do this, the municipality will have to change its property order and its local constructional regulation. It should create a subsection stipulating that, if the municipality promotes energy investments from external sources, it must consent to the land user's industrial energy investments on the agricultural land in question, at the same time as it grants the right to use the land. This is important because the agricultural land acquired by the municipality will become the property of the municipality and the purpose of the acquisition is an industrial purpose, regulated by the municipal decree, namely the realization of an energy investment, so the land cannot be used for any other purpose.

Since the ownership of the land will not be acquired by the investor, but the municipality will become the owner from the investor's resources, the investor will need legal guarantees to protect its interest. This will be explained in more detail later on, but essentially it will be mortgages, prohibition on alienation and encumbrance, and the right to purchase, that will provide the legal protection for the investor.

Based on this solution, both the investor and the municipality can request the change of land utilization, and if an investor wanted to start a big solar power park investment on the 1st of June 2023, the construction project could end long before 2029 regarding the solar park, and could start the industrial activity — the generation of electricity — as soon as the state permission is provided after the completion of the construction.

The costs and expenses incurred on the investor's side under this proposed solution are only the price of the lands, and the expenses of the advisors, advocates and administrators.

**Asset management issues**

According to the Act CXCVI of 2011 on National Wealth, local governmental property, financial assets, shares, rights of property, their preservation and prudent management, which are the exclusive property of local governments, are part of the national wealth. Local governmental property can either be common property of business property.

Common property is used directly for the performance of compulsory municipal functions or the exercise of ambits. This category is not subject of our current examination and does not need to be discussed further.

Assets that form no part of the common property are the business assets of municipalities. Most of the business assets are marketable, while some assets are of limited marketability. Business assets are not subject to a prohibition on encumbrance or alienation and can therefore be encumbered or mortgaged, but they are also subject to the requirement that they should support the operation and purposes of the municipality[1].

The budget support system for local governments is currently based on a task-based funding system, whereby the National Parliament provides funding for their mandatory operating expenditure through the task-based funding system. Thoughtful management of business assets is an excellent way to overcome the financial problems of local governments[2].

In 2011, the National Parliament re-regulated the operation of local governments, their system of duties and competences, recognizing the right of local voters to self-government, taking into account the European Charter of Local Self-Government, and passed the Act. CLXXXIX of 2011 on Local Governments in Hungary (hereafter referred to as: Lgh.).

The Lgh. defines the municipalities' own revenues as income, profits, dividends, interest and rental from own activities, business and the use of municipal property, as mentioned above. In addition, it points out that own revenue also includes local and municipal taxes; funds received; fees, fines and charges payable to the municipality under a special law; and the total amount of the tax revenue of the municipality and its institutions[3].

One of the most important tasks of the local municipalities, which is not mentioned in the law, is to manage and preserve the assets of rural communities[4].

The land purchased with the investor's financing will form part of the municipality's business assets, which, as can be seen above, are marketable and encumberable.

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[1] *Csaba Lentner*. Önkormányzati pénz- és vagyongazdálkodás [Municipal financial and asset management] Dialóg Campus kiadó Budapest, 2019. Pp. 43–44.

[2] *Zoltán Varga (ed.)*. Jogi kihívások és válaszok a XXI [Legal problems and answers in the 21st century]. században 2. Miskolc, 2023. *Erdős — Szondi*, p. 36.

[3] *Csaba Lentner*. Önkormányzati pénz- és vagyongazdálkodás [Municipal financial and asset management] Dialóg Campus kiadó Budapest, 2019. Pp. 32–34.

[4] On the role of rural communities see more: *János Ede Szilágyi*. A vidéki közösség, illetve a vidék [Constitutional definition of rural community and rural areas] sui generis alaptörvényi meghatározása in Publicationes Universitatis Miskolcinensis, Sectio Juridica et Politica, Tomus XXXVII/2 (2019). Pp. 451–470 compare to: *János Ede Szilágyi*. A vidéki közösség koncepciójának változó kategóriája és jelentősége a föld, mint természeti erőforrás viszonyában [Changing the category and meaning of rural community in relation to land as a natural resource] in Publicationes Universitatis Miskolcinensis, Sectio Juridica et Politica, Tomus XXXVI/2 (2018). Pp. 485–502.

Ultimately, this is not what will make the municipality interested in the cooperation, as it will only be an intermediate owner, transferring the ownership to the investor. It will share in the benefits of the investment and property development through an increase in local business tax, which must be paid during the solar energy production[1].

**On local taxes, in particular local business tax[2]**

An important element in the functioning of local governments is financial independence, which implies the right to adequate sources of revenue to ensure the operation of the municipality and the performance of public functions, and to contribute to the achievement of local financial autonomy.

In Hungary, local taxes are negligible compared to welfare states, accounting for barely a quarter of total resources.

With regard to the above description of the municipalities' own revenue, it can be said that in practice all sources are of minor importance, with the exception of local taxes. Local taxes are those taxes levied at the municipal level, the rates of which may be set at the local level and which are used in whole or in part at the local level. There are definitions which do not consider use to be a compulsory element of the concept, but it is this feature which distinguishes local taxes from shared or devolved central taxes and traditional central taxes.

We should not ignore the fact that if the tax rate is set at the local level, but the amount collected has to be paid to the central government, then we cannot essentially talk about a local tax, as the municipality will only be performing the task of collecting the tax, and will not directly benefit from it.

In Hungary, the right of local governments to set taxes was introduced in 1990. Although local taxation existed before, the current categories can only partly be traced back to the historical payment obligations.

An important element of the change of regime for local financial autonomy was the adoption of the Act C of 1990 on local taxes, which gives municipal governments the opportunity to exercise local sovereignty in taxation and thus to develop local tax policy. The power to introduce local taxes has not changed much in the last twenty years, and since then, the councils of each municipality have been able to decide by local decree within the limits set by the Local Taxes Act. The imposition of local taxes has never been without limits: the type and level of taxes that can be levied, the

[1] *Péterné Olaj — Éva Járja*. Az ingatlanfejlesztő, ingatlankivitelető társaságok helyi iparűzési adó alapjának meghatározása in Adó [Determination of the local tax base for development and construction companies in the field of taxation] 2008/8. Pp. 37–40. Compare to: *Attila Kovács*. A helyi iparűzési adó aktualitásai [Current local business tax cases] in Adó 2022/7. Pp. 68–77.

[2] *Horváth M. Tamás, Bordás Péter, Vezendi-Varga Judit*. Államháztartási jog és közpénzügyek [Public finance law and public finance]. Debrecen University Press, 2023. Pp. 129–151.

lower and upper limits of the tax rates, and the discounts and exemptions that can be applied are laid down by law. This method is sometimes called a closed-list local tax assessment system which refers to the fact that the autonomy of local authorities to levy taxes is essentially limited to deciding whether or not to impose certain taxes.

International practice tends to use this type of local tax collection method, with far fewer examples of open list tax collection. The latter is understood to mean that local governments are free to set taxes at their own discretion, i.e. they can regulate not only the rate but also the subject and the subject of the tax at local level, which does not exclude the possibility of certain restrictive conditions being set by central legislation.

Five local taxes are currently subject to closed list assessment in Hungary: building tax, land tax, municipal tax on individuals, tourism tax and local business tax. Systematically, the first two are property type taxes, the second two are communal type taxes, while the last one — local business tax — is an occupational type tax. In general, the most important of these is the local business tax, which accounts on average for 40% of domestic revenue structure as a whole. Moreover, this type of local taxes' revenue is most dependent on local opportunities and endowments. The factors that most determine the taxing capacity of a municipality are the size of the municipality, the structure of its population, the type and value of its property stock and the presence of businesses in the municipality.

With regard to local business tax, it can be said that it makes taxable the business activity carried out on a permanent basis in the territory of the municipality, which is the activity of the entrepreneur for profit or income in this capacity, i.e. business activity. An entrepreneur carries on a business activity in the territory of the municipality if he has his registered office or place of business there, regardless of whether he carries on his activity wholly or partly outside his registered office (place of business).

The subject of the local business tax in principle is the entrepreneur, and all assets managed under a trust[1] under the scope of the Civil Code. The tax liability arises on the date on which the business activity starts and ceases on the date on which the activity ceases.

In the case of business activities, the taxable amount is the net turnover less

— the sum of the purchase value of the goods sold and the value of the services supplied;

— the value of subcontracted services;

— the cost of materials; and

— the direct costs of basic research, applied research and experimental development charged in the tax year.

[1] See more about trust: *Tiborné Czapkó.* A bizalmi vagyonkezelés [Fiduciary management of assets] in Adó 2021/11. Pp. 34–39.

Depending on the amount of the net turnover, the entrepreneur may reduce it in bands, as provided by law. If the entrepreneur carries on a permanent business activity in the territory of several municipalities or abroad, then the base of the tax must be apportioned by the entrepreneur in the manner most suited to the specific characteristics of the activity, as set out in the Annex to the Act. A simplified determination of the tax base is also possible.

The municipality has the possibility to grant tax exemptions or reductions to certain entrepreneurs. This exemption or reduction may only be granted to entrepreneurs whose tax base (at the enterprise level) calculated according to the law does not exceed HUF 2.5 million. The municipality may determine a tax base of less than HUF 2.5 million for the purposes of eligibility for the exemption or reduction. An important guarantee rule is that the scope of the tax exemption, tax reduction, must be the same for all entrepreneurs. The Local Tax Act provides for two forms of exemption, which, without going into the details of the rules, are as follows:

— Exemption of the regulated real estate investment company *(The rules for regulated real estate investment companies — and thus the exemption for them — may also be aplicable in our case, if a public limited company is going to implement the solar project, but I intend to do my research on this later. The relevant law is the Act if CII of 2011 on Regulated Real Estate Investment Companies)*: the regulated real estate investment company and the pre-contracting company and their project company are exempt from the local business tax.

— Exemption for purchasing cooperatives: purchasing and selling cooperatives are exempted from business tax, which exemption is a de minims aid and can be granted in accordance with the rules of the Commission Regulation (EU) No 1407/2013.

From 2000, the local business tax rate is capped at 2% of the tax base[1].

A further possibility for tax relief is the institution of tax reduction, according to which the tax payable for the tax year to the municipality where the company has its registered office or place of business may be deducted — up to the amount of the tax — from the tax payable for the tax year to the municipality where the company has its registered office or place of business, up to the amount of the tax deducted, up to a maximum of 7.5% of the toll payable for the use of dual carriageways, motorways and main roads, proportionate to the distance travelled.

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[1] The calculation of the local business tax rate to be paid by the investor is no longer a legal question, but an economic one, the methodology of which is explained in more detail in *Sándor Bozsik, Miklós Fellegi, Pál Gróf, Gábor Süveges, Judit Szemán*. Adózási ismeretek példatár [A model book of tax knowledge]. Miskolci Egyetemi Kiadó. 2013. P. 68. Compare to: *Sándor Bozsik*. A magyar adórendszer nemzetközi összehasonlításban, különös tekintettel a gazdasági válságra adott válaszra in edited by János Tibor Karlovitz: Kulturális és társadalmi sokszínűség a változó gazdasági környezetben Komárno, Slovakia: International Research Institute xThe Hungarian tax system in international comparison, with special attention to the response to the economic crisis. Edited by János Tibor Karlovics: Cultural and Social Diversity in a Changing Economic Environment. Komárno, Slovakia: International Research Institute]. (2014). Pp. 52–61

As of 2015, the revenue from local business tax has become earmarked. This means that the municipal local business tax revenue set by the municipal government is first in the case of the metropolitan municipality, as defined in a separate law — to the local the local public transport function, the local public transport function in particular, the revenue in excess of the total amount required for the to finance social benefits falling within the competence of the body of representatives of the municipality may be used. From the local business tax levied by the municipal government from the local municipal tax is used to finance the personal and the related employer's contributions and social security contributions tax and social security contributions.

**Guaranties of the investor — obligations of the municipality**

Since the ownership of the land will be acquired by the municipality, it is advisable to stipulate in the strategic investment agreement that all relevant sales contracts to be concluded by the municipality will include a mortgage[1], a prohibition of alienation and encumbrance[2] and a right of purchase[3] in favour of the investor for the amount of the financing[4].

First and foremost, it will require the municipality to open a dedicated bank account for the entire duration of the financing and to settle all purchase prices and costs incurred from this account, reporting quarterly to the investor[5].

In the strategic investment agreement, the investor can determine the payment structure, since it is the investor who will provide the funds, which will benefit the municipality — and therefore its citizens — in the long run.

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1 See more: *Graf Von Bernstorff, Christoph*. Jelzálogjog az Európai Unió államaiban in Magyar Jog [Mortgage law in the states of the European Union in Hungarian law]. 1997/10. Pp. 613–618. Compare to: *László Leszkoven*. Az aljelzálogjog in Közjegyzők közlönye [Sub-mortgage law in the Notary Bulletin]. 2000/9. Pp. 6–10.

2 See more: *Balázs Bodzási*. Az elidegenítési és terhelési tilalom szabályozása a Ptk.-ban és megsértése során alkalmazandó jogkövetkezmények in Magyar Jog [Prohibition of alienation and encumbrance provision in the Civil Code and legal consequences applicable in case of violation of Hungarian legislation]. 2020/4. Pp. 189–198. Compare to: *Tamás Ujvári*. Elidegenítési és terhelési tilalom a magyar jogban in Magyar Jog [Prohibition of alienation and encumbrance in Hungarian legislation]. 2004/7. Pp. 414–426.

3 See more: *Ádám Bukli*. A biztosítéki célú vételi jog [The right to purchase for security purposes] in Studia Iuvenum Jurisperitorium. 2012/6. Pp. 205–222. Compare to: *László Leszkoven*. A biztosítéki célú vételi jog néhány kérdéséről in Gazdaság és jog [On certain issues of the right to purchase for collateral purposes in economics and law]. 2004/12. Pp. 16–21.

4 See more: *Gergely Szalóki*. A biztosítéki vételi jog és zálogjog szabályozásának kapcsolata a bírói gyakorlatban [Relationship between the regulation of the right to purchase securities and the right of pledge in judicial practice] in De iurisprudentia et iure public. 2011/1. Pp. 148–155.

5 See more: A pénzforgalmi számla feletti rendelkezés joga és a képviseleti jog in Adó-kódex [Right to dispose of a payment account and right of representation in the Tax Code]. 2017/8. Pp. 38–39.

In the case of the investor's mortgage, I propose the use of a blanket mortgage[1], which means that the mortgage is registered on all the title deeds of the land purchased by the municipality up to the total amount provided by the investor[2].

The prohibition of alienation and encumbrance makes it impossible for the municipality to sell the land involved in the investment without the consent of the investor. The prohibition itself cannot be removed from the land register until the investor has granted permission to do so, which is conditional on full payment of the mortgage.

The right of purchase gives the investor the possibility to acquire the lands owned by the municipality by unilateral legal declaration, if necessary, without the consent of the municipality.

## Closing words

The present introductory article on my PHD research topic also indicates the wide range of areas of jurisprudence it touches upon. However, in addition to the agricultural, environmental, civic, administrative, asset management and financial issues outlined in this article, the energy law aspect of the field is also significant, as it is not unimportant how solar energy, which is considered green energy[3], can be integrated into the energy supply system and at what price[4] the investor can sell it. I will address these questions in the further development of this article.

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[1] For more information on blanket mortgages, see: *Balázs Bodzási*. A keretbiztosítéki jelzálogjog szabályozása a magyar jogban in Állam- és jogtudomány [Regulation of the framework law on pledge mortgages in Hungarian legislation in state legal science]. 2010/3. Pp. 259–296. Compare to: *Géza Rapoch*. A keretbiztosítéki jelzálogjog átruházása in Jogtudományi közlöny [Assignment of framework deposit right under a mortgage]. 1930/3. Pp. 25–27.

[2] For more information regarding the land registration issues, see: *István Olajos — Ágnes Juhász*. The relation between the land use register and the real estate registration proceeding with regard to justification of the lawful landuse in Journal of Agricultural and Environmental Law. 2018/24. Pp. 164–193. Compare to: *Réka Pusztahelyi*. New Act on Real Estate Register in Hungary (from the viewpoint of civil law) in Davorin, Picler: Dubravka, Lasicek ed. Zakon O Vlastnisvu, Drugim Stavarnim Pravima, 1997–2022.: Stavarno Pravo U 21. Stoljecu Osijek, Croatia. 2022. P. 59.

[3] *Orsolya Bányai — Attila Barta*. A települési környezetvédelem elméleti és gyakorlati megközelítései [Theoretical and practical approaches to the protection of the urban environment] Gondolati Kiadó Budapest, 2018. P. 291. Compare to: *László Fodor*. A falu füstje — A települési önkormányzatok és a környezetvédelem a 21. század eleji Magyarországon [Village smoke — Municipal authorities and environmental protection in Hungary at the beginning of the 21st century] Gondolat Kiadó Budapest, 2019. P. 480.

[4] *István Olajos — Éva Gonda*. A villamosenergia és földgázszolgáltatás Magyarországon, különös tekintettel a Magyar Telekom szolgáltatásaira in Miskolci Egyetem Közleményei: Anyagmérnöki Tudományok [Electricity and natural gas supply in Hungary, with special attention to Magyar Telekom services at the University of Miskolc. Publications: Materials Science]. 2013/1. Pp. 83–93.

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# WRIT PROCEEDINGS IN CIVIL PROCEDURE: SOME PROBLEMS AND TENDENCIES OF DEVELOPMENT

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**Abstract.** *The article considers the writ proceedings as a simplified form of resolution of civil cases in courts of general jurisdiction, aimed at optimizing justice. To date, the issue of the effectiveness of writ proceedings is relevant, as the analysis of law enforcement practice demonstrates a number of problems associated with the procedure of issuing a court writ, its issuance and revocation. The authors have identified controversial aspects of writ proceedings, expressed by insufficient legislative regulation, requiring clarification or amendments to the current norms of civil procedure legislation, and the difficulties of implementation of writ proceedings in practice (procedural activity of courts and bodies carrying out the enforcement of court writ). The advantages distinguishing the court order for the fulfillment of the main objective of justice — the protection of legitimate rights and interests, are considered. The authors have formulated proposals for improvement of the current procedural legislation, allowing to eliminate the shortcomings of the writ proceedings. These include the legislative fixation of the provision that a court writ can be canceled only for a number of clearly defined reasons, the establishment in the legislation of a prohibition to resubmit an application for issuance of a court writ with the same*

*requirement if such first requirement was rejected or if the debtor objects to the court writ.*

**Keywords:** *writ proceedings, court writ, problem of court writ revocation, magistrate court, civil procedure.*

The introduction of writ proceedings in civil procedure was associated with attempts to relieve the burden of civil proceedings by reducing the time and material costs of protecting the rights and legitimate interests of citizens. This aim determines the main advantages of writ proceedings: a special form of ruling in the form of a court writ and a reduced amount of state duty.

However, the relevance of the study of judicial writ proceedings is due to the presence of many controversial issues concerning their effectiveness.

The Civil Procedure Code (hereinafter — CPC RF) does not enshrine the concept of writ proceedings, but at the same time, the legislator has formulated the definition of "court writ". According to Article 121 of the current Russian Code of Civil Procedure, it is a ruling issued by a single judge on the basis of an application for a court writ to claim money or property from the debtor[1]. There are two points of view on the character of writ proceedings: the first one considers it a simplified legal procedure for issuing a court writ, the second one — not as a type of civil proceedings, but as a pre-procedural, but at the same time alternative procedure carried out by a judge in order to accelerate the protection of the creditor's right and to establish the disputability or undisputability of the claim.

Writ proceedings have a number of characteristic features. Firstly, writ proceedings are characterized by a simplified procedure, i.e., a magistrate alone considers the case and makes a decision on it in a short period of time. Secondly, the writ proceedings do not involve the plaintiff and the defendant, it involves the claimant and the debtor. Thirdly, in lawsuit proceedings, a dispute about the right is necessary, whereas in writ proceedings, the plaintiff's claims must be undisputed. Fourth, writ proceedings are aimed at resolving such issues as the recovery of monetary amounts and movable property. Fifth, the only means of proof is written evidence, in writ proceedings, there is no physical evidence, explanations of the parties, or anything else. And the last feature is that to initiate writ proceedings it is necessary to file an application for a court writ, on the basis of which it is issued.

The issuance of a court writ is a process that is carried out without a court trial, based on the information submitted by the plaintiff. In this case, the court must establish the indisputability of the claim against the debtor on the basis of reliability, admissibility, sufficiency, and relevance of evidence.

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[1] Civil Code of the Russian Federation (Part one) of 30.11.1994 No. 51-ФЗ // The Collection of Legislation of the Russian Federation. 1994. No. 32, Art. 3301.

According to statistical data of the Judicial Department under the Supreme Court of the Russian Federation on the work of the courts of general jurisdiction on the consideration of civil cases at first instance, the majority of cases received by the courts in 2022 (13,602,650) belong to the category of other cases of action and writ proceedings. The majority of such disputes are cases involving the issuance of court writs, in particular, to recover debts on utility payments and overdue debts under loan agreements from individuals[1]. At the same time, writ proceedings as a modern institution still has many gaps and provisions to be finalized.

One of such issues requiring further study and improvement is the protracted character of writ proceedings, arising from the lack of possibility for the plaintiff to apply for protection of his right in court within the framework of claim proceedings without prior application for a court writ in certain categories of civil cases. At the same time, easy revocation of a court writ within ten days without specifying the grounds for such revocation leads to a loss of time to protect the rights of the plaintiff.

The lack of dispositiveness when applying to the court in writ proceedings and the automatic revocation of a court writ call into question the expediency of certain aspects of writ proceedings. Knowing in advance that the creditor's claims under a court writ are valid, the debtor may file an application for revocation for the sole purpose of delaying the recovery of funds[2]. A simplified revocation of the order is fair in cases of improper notification of the debtor or error in issuing the order, but in other situations, in order to reduce the possibility of abuse of rights on the part of the debtor, it is necessary to define a precise list of grounds for revocation of the court writ.

No less significant is the problem of proper notification of the debtor of the court writ[3]. The Civil Procedure Code of the Russian Federation provides that the court shall send a copy of the court writ to the debtor within five days. It often happens that debtors find out about the court writ at the stage of its transfer to the court bailiff for execution. The reasons may be incorrect work of the federal telecommunications operator "Russian Post", the secretary of the judicial district due to workload, etc. In such cases, the debtor can no longer protect his rights by appealing the court

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[1] The information of the Judicial Department of the Supreme Court of the Russian Federation on the work of courts of general jurisdiction on the consideration of civil cases on first instance [Electronic resource]. URL: http://cdep.ru/index.php?id=79&item=7645.

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writ, as the term for cancelation has already expired, and it is quite difficult to prove that the term was missed for a good reason. In this regard, the debtor has to pay the debt, undergo restrictions on his rights in the form of a ban on traveling abroad, restrictions on the disposal of his property, arrests on accounts.

The issue of a dispute of right in writ proceedings remains important[1]. If from the submitted documents the court finds that there is a dispute about the right, such an application shall be returned. At the same time, the legislation does not contain specific criteria by which the court determines the presence or absence of the above-mentioned criterion. It is necessary to formulate the criteria for the presence or absence of a dispute about the right, as at the moment the court independently determines the presence or absence of the above-mentioned feature.

In order to solve the problems arising in the process of consideration, it is necessary to take a number of measures to improve the Russian civil procedural legislation.

It seems effective to establish in the legislation a prohibition to re-submit an application for a court writ with the same claim if the first claim was rejected or if the debtor objects to the court writ. It is also necessary to establish a legal provision that provides for a judge to refuse to accept a statement of claim if a court writ with the same requirement comes into force.

K. V. Sheyanov proposes to make amendments to the CPC RF in terms of revocation of a court writ. Thus, these regulations should stipulate that a court writ may be canceled only for the following reasons: partial or full payment by the debtor of the debt to the claimant; the debtor is declared bankrupt; the debtor is a minor citizen; the debtor is restricted or deprived of legal capacity; the death of the debtor; the court writ was issued against an improper debtor; and other grounds that may be introduced into the CPC by amendments to federal legislation.

The court should have the right not to cancel the court writ if the debtor does not provide the court with the above-mentioned evidence of the circumstances.

As a consequence, the second problem will also be solved — the problem of the distribution of court costs in cases of revocation of a court writ with the accompanying payment of debts to the debtor, when the latter can no longer file a lawsuit. It seems that if it becomes more difficult to cancel a court writ, the scale of the issue in question will be significantly reduced.

In order to increase the efficiency of the issuance and execution of court writs, it is necessary to reduce the load on the courts by means of securing the right to distribute court cases between judges of nearby districts, increasing the staff of courts of general jurisdiction, and improving the system of document control.

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[1] *Filimonkina D. V.* Preimushchestva i nedostatki primeneniya prikaznogo proizvodstva v sovremennoy sudebnoy praktike [Advantages and disadvantages of using writ proceedings in modern court practice] // Mezhdunarodnyy zhurnal gumanitarnykh i estestvennykh nauk [International journal of humanities and natural sciences]. 2021. No. 8-2. Pp. 114–117.

In general, the problems of writ proceedings can be divided into two groups: those related to the shortcomings of the current civil law governing the procedure for the implementation of writ proceedings and the problems of law enforcement practice arising in the process of activity of courts and bodies carrying out the enforcement of court writ[1].

The first group includes the procedure for canceling a court writ, mandatory filing of an application for a court writ before a lawsuit. The second group includes the lack of uniform practice on the issuance of court writs filed by claimants without personal data, notification of the debtor on the issuance of a court writ, and the issue of the existence of a dispute on the right.

Thus, the institution of writ proceedings, designed at first glance to simplify and accelerate the collection of undisputed debt, in fact, has many contradictions and shortcomings that require further study and finalization.

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*Filimonkina D. V.* Preimushchestva i nedostatki primeneniya prikaznogo proizvodstva v sovremennoy sudebnoy praktike [Advantages and disadvantages of using writ proceedings in modern court practice] // Mezhdunarodnyy zhurnal gumanitarnykh i estestvennykh nauk [International journal of humanities and natural sciences]. 2021. No. 8-2. Pp. 114–117. (In Russian)

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*Sheyanov K. V.* K voprosu o problemakh i perspektivakh sovershenstvovaniya prikaznogo proizvodstva v RF [On the problems and prospects of improving writ proceedings in the Russian Federation] // Mezhdunarodnyy zhurnal gumanitarnykh i estestvennykh nauk [International journal of humanities and natural sciences]. 2022. No. 12-5. Pp. 150–154. (In Russian)

[1] *Sheyanov K. V.* K voprosu o problemakh i perspektivakh sovershenstvovaniya prikaznogo proizvodstva v RF [On the problems and prospects of improving writ proceedings in the Russian Federation] // Mezhdunarodnyy zhurnal gumanitarnykh i estestvennykh nauk [International journal of humanities and natural sciences]. 2022. No. 12-5. Pp. 150–154.

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# ENSURING A FAIR BALANCE OF INDIVIDUAL AND COLLECTIVE INTERESTS IN THE USE OF LAND DESIGNATED FOR BURIALS

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**Abstract.** *The article is focused on the problem of the usage of civil burial grounds, while observing the balance of public and private interests. Ensuring the rational use and protection of burial grounds, sometimes opposing interests, in modern contexts, is a very important task of land legislation, and it is necessary to establish this balance as cultural traditions, religious beliefs, family ties are involved, and the state has to put this activity in the legal framework.*

*When developing the lands of military burial grounds, public interests are of special importance in the context of regulating the use of these territories, since the lands on which the lands of military burial grounds are located are the subject of special attention from the state and society, are of historical and memorial value, as well as being objects of memory about the historical history. At the same time, the responsibility for the conservation of these lands and their correct and rational use lies with local self-government bodies.*

**Keywords:** *cemetery, burial place, land legislation, principle of land legislation, municipal property, military burials, civil burials, public interest.*

**Introduction.** One of the principles of land legislation is the concept of combining the interests of society and the legitimate interests of citizens, according to which the regulation of the use and protection of lands is carried out in the

interests of the whole society while ensuring the guarantees of each citizen for free possession, use, and disposal of the land plot belonging to him.

**Method.** In analyzing the problem, the imperative method was used, reflecting the active role of the state in regulating the use of natural resources and ensuring its protection.

**Results.** To establish a reasonable balance of sometimes opposing interests, without giving unconditional priority to any of them, is a very important objective in the field under study. This principle of land legislation is constantly increasing its influence, being a legal analog of the model of rational choice when making complex legal decisions (including conflicts of equivalent rights). The balance of the adopted decision depends on the way (procedure) of its adoption, in which the detailed justification of why one right or interest (for example, the interests of public authorities) are preferred over another (the right to a favorable environment of the residents of the municipality) plays a decisive role. This manifests the effect of the constitutional principles of democracy and the rule of law and, as a consequence, ensures the principle of maintaining the trust of citizens in the actions of public authorities.

This becomes especially important when the decision is made under the influence of cultural traditions, religious beliefs, historical significance of the individual and family ties: the state has the right and should put such activities within the legal framework, including by changing the procedure for approval of certain urban planning acts, but without forgetting the direct action of constitutional values, the highest of which is a person and his rights (Article 2 of the Constitution of the Russian Federation)[1].

The process of building a cemetery begins with the land plot allocated for the future burial site. The reason for making such a decision is the exhaustion of available space in already existing cemeteries. The selection of a particular land plot is carried out by the Chief Architect of the city in coordination with housing, communal services, and sanitary and epidemiological services. The decision to establish a cemetery is approved by the executive authority of a constituent entity of the Russian Federation or a local government body. Taking into account the significant number of residents in megacities and the presence of objective logistical and infrastructural problems, the approval of the allocation of a specific land plot for the construction of a cemetery should be accompanied by preliminary engineering and environmental documentation confirming the fact of compliance of this territory with the stipulated land, urban planning, and sanitary and epidemiological norms.

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[1] Constitution of the Russian Federation (adopted by national referendum on 12.12.1993, with amendments approved in a Russian national referendum on 01.07.2020) // The Russian Newspaper. 2020. No. 144.

According to the Sanitary Regulations and Standards (hereinafter — SanPiN), the sanitary protection zone of cemeteries is set up to 50 meters, depending on the class of burials. SanPiN 2.2.1/2.1.1.1.1200-03 allocates 5 classes of danger to cemeteries and burials[1]. The problem is that there is no further control.

Registration of a land plot is carried out upon application of an authorized local government body in the sphere of municipal property management in the Department of the Federal Service for State Registration, Cadastral Records and Cartography. Provision of a land plot for the establishment of a cemetery may be accompanied by the forced withdrawal of adjacent (nearby) land plots that are in private ownership, with compensation of their market value to the owners.

For example, one of the land disputes related to the expansion of the territory of a cemetery was considered by the Supreme Court of the Russian Federation. In this case, the plaintiffs owned on the right of common share ownership a land plot intended in accordance with the category for agricultural activities. As the territory of a nearby cemetery expanded, part of this plot became part of the cemetery's territory. At the same time, the municipality made no efforts to buy the land plot from the owners[2].

The dispute was considered by several courts before it reached the Supreme Court of the Russian Federation. In the court of first instance, the owners of the land plot succeeded in obtaining allowance of their claims for its withdrawal in favor of the municipality with compensation for the market value of each owner's shares. The court of first instance came to the conclusion that the Administration of the municipal entity had seized the land plot illegally.

However, the court of second instance overturned this decision, citing the fact that the inability to use the land plot for farming was not the defendant's fault. The court of appeal concluded that the plaintiffs should have directed their claims to the original owner of the land plot, from whom they had purchased it, since he had not sold it with an encumbrance and limited right of use. The cassation instance agreed with these arguments. Finally, only the Supreme Court of the Russian Federation came to the conclusion that the plaintiffs' claims were legitimate, since the municipal entity was obliged to take action to withdraw the relevant land plot into municipal ownership with appropriate compensation to the owners for its market value.

Specialized services act as an economic entity, carrying out functional responsibilities for the implementation of the right of citizens to burial, which consists both in the direct provision of land and burial services, and in the

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[1] Sanitary protection zones and sanitary classification of enterprises, structures and other objects (SanPiN) 2.2.1/2.1.1.1.1200-03 // Consultant Plus.

[2] Ruling of the Judicial Collegium for Civil Cases of the Supreme Court of the Russian Federation No. 4-КГ21-25-К1 of June 15, 2021 // URL: http://vsrf.ru/stor_pdf.php?id=2009488 (date of access: 01.08.2024).

provision of a wide variety of ritual and legal services accompanying the process of burial. It should be noted that the specialized service must be established directly by the local government, as the function transfer of an economic entity for the provision of funeral services to any legal entity is not allowed. It follows that local self-government bodies do not have the right to delegate powers in the sphere of provision of funeral services and funeral business to commercial organizations or individual entrepreneurs.

As noted above, land for burial is provided free of charge by local governments on an equal basis to state or municipal unitary enterprises[1]. The free provision of land for burial is guaranteed by the current legislation, taking into account the fact that this land plot allows further burial next to the first burial of a deceased close relative. However, provided by Article 21 of the Federal Law No. 8 "On burial and funeral business", the right to receive land for family burial often faces organizational obstacles in the form of a ban on the prohibition of omissions in the row of graves[2]. In fact, the authority to provide the relevant land plots is discretionary in character and is not fully realized. The current regional legislation (for example, in the Republic of Tatarstan, each rural settlement has a resolution where the issue of family burials is solved[3]) provides special norms that allow citizens to realize their right to create family burials. As a result of granting the relevant land plot, there is no transfer of ownership rights, and citizens do not acquire the rights of the owner in respect of this land plot. The burial grounds that are in federal ownership are excluded from civil turnover and, according to the Land Code of the Russian Federation, cannot be provided for private ownership, as well as be the objects of transactions provided for by civil legislation[4]. Consequently, there is a ban on the transfer of the relevant land plots into private ownership. It is worth noting that the withdrawal of burial lands from civil turnover creates objective obstacles to the development of the sphere of private cemeteries, well known to foreign legal orders (but, as we can see, to date, Western countries are also abandoning it in favor of a favorable environment).

One of the positive characteristics of the Legislative Draft No. 91300-8 "On Funeral Business in the Russian Federation and on Amendments to Certain Legislative Acts

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[1] *Burganova G. V.* Yuridicheskie protsedury predostavleniya zemelnykh uchastkov dlya zakhoroneniya [Legal procedures for granting land plots for burials] // Administrativnoe i munitsipalnoe pravo [Administrative and municipal law]. 2023. No. 2. Pp. 11–23.

[2] Federal Law of 12.01.1996 No. 8-ФЗ (ed. of 30.04.2021) "On burial and funeral business" // The Russian Newspaper. No. 12. 20.01.1996; No. 96, 05.05.2021.

[3] Resolution No. 10 of 11.04.2022. "On Approval of the Procedure for the operation of public cemeteries and the Rules of maintenance of burial places on the territory of Shushmabash rural settlement of Arsk municipal district".

[4] The Land Code of the Russian Federation of 25.10.2001 No. 136-ФЗ (ed. of 25.12.2023) (with amendments and additions, in force since 05.01.2024).

of the Russian Federation" was an attempt to legislate the need for an inventory of burial places, which can become a significant area of work for the state in the field of protection of burial grounds[1]. In the Order of the Government of the Russian Federation from 02.09.2021 No. 2424-p, for the period up to December 31, 2025, it is proposed to ensure the organization of an inventory of cemeteries and burial sites on them, the creation in the subjects of the Russian Federation based on the results of such an inventory, and the maintenance of registers of cemeteries and burial places with the placement of these registers on regional portals of state and municipal services. A problematic aspect of the implementation of state control in the field of rational land use is the presence of a significant number of abandoned cemeteries, the inventory of which would allow the subjects of the Russian Federation to solve numerous problems in the field of protection of the relevant category of land[2].

In general, the legal regime of burial lands is characterized by the presence of a significant number of requirements for the organization of cemetery territories, taking into account a variety of environmental, physical-geographical, and social factors that determine the allocation of land for burial places. The provisions of Article 16 of Federal Law No. 8 establish the need for a correlation between the number of inhabitants of the settlement and the size of the land plot for the cemetery. The determination of the boundaries of the relevant land plot is a necessary condition for its cadastral registration.

Quite common is the situation when municipalities do not carry out proper work on land parcelization and registration of land under the cemetery into municipal ownership. Such problems are not only an obstacle to compliance with sanitary and epidemiological requirements, but also serve as a barrier to the implementation of the powers of municipalities in the field of ritual services and maintenance of burial grounds. In turn, failure to comply with the procedure for registration of the land plot under the cemetery into municipal ownership, as stipulated by the legislation, leads to the impossibility of allocating budget funds for its maintenance. The above-mentioned situation with the presence of virtually ownerless cemeteries (churchyards), which due to the duration of their existence fall out of the focus of attention of the subjects of the Russian Federation and are not transferred

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[1] Passport of the draft Federal Law No. 91300-8 "On Funeral Business in the Russian Federation and on Amendments to Certain Legislative Acts of the Russian Federation" (introduced by deputies of the State Duma of the Federal Assembly of the Russian Federation S.V. Razvorotneva, I.I. Gilmutdinov, R.V. Karmazina, A.Yu. Kiryanov, S.V. Kolunov, M.E. Orgeeva, M.B. Terentyev) // ConsultantPlus: legal reference system.

[2] Order of the Government of the Russian Federation from 02.09.2021 No. 2424-p (ed. from 13.07.2022) "On Approval of the National Plan ("road map") for the development of competition in the Russian Federation for 2021–2025" // The Collection of Legislation of the Russian Federation. 13.09.2021. No. 37. Art. 6553.

to municipal ownership, does not contribute to the proper organization of work to ensure rational land use of these territories.

Often, municipalities are faced with the need to expand the territorial boundaries of the cemetery, which raises the question of the need to buy out land plots adjacent to the sanitary zone around the cemetery. It should be noted that the possibility of expanding the territory of the land plot for burial grounds should be provided for at the planning stage of the cemetery, but in reality, this issue is sometimes not provided for in urban planning schemes due to the age of the cemetery. In this case, the municipality is faced with the necessity of forced redemption of nearby land plots from individuals and legal entities. As is known, the norms of civil legislation provide for cases of compulsory redemption of land). An agreement between the owner of the land plot and the municipality is the final stage of negotiating the terms of redemption. If such an agreement is not reached, the municipality has the right to appeal to the court with a claim for the withdrawal of the land plot.

The owner also has the right to initiate the process of redemption of the respective land plot, for which purpose it applies to the local self-government body with a proposal for redemption. Law enforcement practice knows cases of citizens applying to the court with a request for compulsory redemption of a land plot, if the expansion of the territory of the cemetery leads to the relocation of the relevant land plot into the sanitary zone around the place of burial. In this case, the owner, in particular, is deprived of the opportunity to engage in housing construction on this land plot[1].

When expanding the territorial boundaries of the cemetery, the owners of nearby land plots may also suffer losses in the form of a decrease in the market value of these land property objects. Due to the restrictions provided for by legislation for sanitary protection zones around cemeteries, the possibilities of using the respective land plots are significantly reduced, which entails a decrease in their market value. In other cases, the expansion of cemetery boundaries may be carried out at the expense of state or municipally owned land. For this purpose, the land legislation of the Russian Federation provides for the procedure of land redistribution, as a result of which new land plots may be formed.

Issues of liability in the sphere of offenses encroaching on burial grounds are subject to the general rules of land legislation. Since burial lands are exclusively in public ownership, there is no possibility of withdrawal from the property of citizens and legal entities for them[2].

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[1] Appellate determination of the Judicial Collegium for Civil Cases of the Chelyabinsk Regional Court from October 17, 2013, in case No. 11-10505/2013. URL: https://base.garant.ru/119372510/ (date of access: 01.08.2024).

[2] *Misnik G. A.* Publichnye i chastnye interesy v ekologicheskom prave [Public and private interests in environmental law] / G. A. Misnik, N. N. Misnik // Gosudarstvo i pravo [State and law]. 2006. No. 2. Pp. 29–37.

**Conclusion.** Summarizing the results, we can conclude that the problem of balancing private and public interests is to determine the boundary of private property for the implementation of possession, disposal, use of the land plot as the owner, and the regime of restrictions that are imposed to protect public interests. All this is expressed in the imperfection of legal control, establishment, and change of legal norms for the use of land and land plots intended for civilian and military burials.

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*Misnik G. A*. Publichnye i chastnye interesy v ekologicheskom prave [Public and private interests in environmental law] / G. A. Misnik, N. N. Misnik // Gosudarstvo i pravo [State and law]. 2006. No. 2. Pp. 29–37. (In Russian)

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# FORECLOSURE OF CERTAIN TYPES OF PROPERTY: GENERAL STATEMENTS THROUGH THE PRISM OF THE PRINCIPLE OF INVIOLABILITY OF PRIVATE PROPERTY

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**Abstract.** *The article reviews the principle of inviolability of private property in the context of Russian legislation, starting from its enshrinement in the Fundamental State Laws of 1906 and up to the modern Constitution of the Russian Federation. The author analyzes the evolution of this principle, its theoretical understanding, as well as the legal positions of the Constitutional Court of the Russian Federation. Two key aspects of inviolability are considered: the right to inviolability as the ability to be protected from encroachments and actual inviolability as the state of property protected by the state. Special attention is paid to various interpretations and legal approaches to the limitation of this principle, including the obligations of the state to protect the rights of owners and the balance of interests of private and public parties. The article discusses practical mechanisms for the protection of private property, including exclusion from the enforcement of court decisions as well as compensation when property is confiscated for state needs.*

**Keywords:** *property, private property, foreclosure, inviolability principle, inviolability of the right of private property.*

At the beginning of the study, we would like to start with historical facts concerning the subject of the study. Thus, in Russia, the principle of inviolability of property was first enshrined at the constitutional level in the Fundamental State Laws of 1906 (Art. 35)[1]. In the Constitution of the RSFSR

[1] *Belkovets L. P., Belkovets V. V.* Istoriya gosudarstva i prava Rossii. Kurs lektsiy [The history of the state and law of Russia. Course of lectures]. Novosibirsk. 2000. 216 p.; Vysochayshe utverzhdennye Osnovnye

of 1937[1], this provision was expanded, recognizing public socialist property as inviolable (Art. 135). The modern Constitution of the Russian Federation[2] establishes that private property shall be protected by law (Part 1, Article 35). It is reasonable to consider this provision as a protection of inviolability of private property[3].

The current understanding of inviolability of private property is revealed both in theoretical studies and in the legal positions of the Constitutional Court of the Russian Federation: the principle is upheld. The Constitutional Court confirms that "inviolability of property is a fundamental principle of legal regulation in the sphere of economy"[4].

The principle considered in the study may also act as a mechanism of protection of property from external encroachments (it may be a prohibition at the legislative way on actions that violate the will of the owner). It can be argued that the above concept is a guarantee of autonomy of the individual. It should be noted that the protection of private property is not only the protection of property, but also inviolability[5].

There are two main components of inviolability of property: 1) the *right* to inviolability and 2) *de facto* inviolability. In the first case, we mean the right as the

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gosudarstvennye zakony. 23 aprelya 1906 g. [The Fundamental State Laws approved by the highest authority. April 23, 1906.] // Polnoe sobranie zakonov Rossiyskoy Imperii. Sobranie 3-e. T. 26 (1906) [The full collection of laws of the Russian Empire. Collection 3rd. V. 26 (1906)]. SPb., 1909. No. 27805. 1160 p.; *Vladimirova G. E.* Osnovnye gosudarstvennye zakony Rossiyskoy imperii 1832–1892 gg. v opredelenii osnov gosudarstvennogo stroya v Rossii. Avtoref. dis. ... kand. yurid. nauk. [Fundamental state laws of the Russian Empire 1832–1892 in determining the foundations of the state system in Russia. Abstract of the dissertation of the Candidate of Legal Sciences]. Omsk, 2009. 26 p.; *Yatskova A. P.* Osnovnye gosudarstvennye zakony Rossiyskoy imperii 23 aprelya 1906 g. — pervaya rossiyskaya Konstitutsiya. Dis. … kand. yurid. nauk [Fundamental state laws of the Russian Empire April 23, 1906 — the first Russian Constitution. Dissertation of Candidate of Legal Sciences]. 12.00.01 / M., 2001. 218 p.

[1] Resolution of the Extraordinary XVII All-Russian Congress of Soviets of 21.01.1937 "On approval of the Constitution (Fundamental Law) of the Russian Soviet Federative Socialist Republic" (with the Constitution) // The Collection of Laws of the RSFSR, 1937, No. 2, Art. 11 (The document lost force in view of the adoption of the Constitution (Fundamental Law) of the RSFSR of 12.04.1978, approved by the Declaration of the Supreme Soviet of the RSFSR of 12.04.1978).

[2] Constitution of the Russian Federation (adopted by national vote on 12.12.1993 with amendments approved by a national vote on 01.07.2020) // http://pravo.gov.ru, 06.10.2022.

[3] *Kutafin O. E.* Neprikosnovennost v konstitutsionnom prave Rossiyskoy Federatsii [Inviolability in the Constitutional Law of the Russian Federation]. M.: Yurist, 2004. 407 p.

[4] Resolution of the Constitutional Court of the Russian Federation from 01.04.2003 No. 4-П "On the case of verification of the constitutionality of the provision of Paragraph 2 of Article 7 of the Federal Law "On auditing activities" in view of the complaint of citizen I. V. Vystavkina" // The Collection of Legislation of the Russian Federation, 14.04.2003, No. 15, Art. 1416.

[5] *Goshulyak V. V.* Institut sobstvennosti v konstitutsionnom prave Rossii [The Institute of property in the Constitutional Law of Russia]. M., 2003. 166 p.

*ability* to be protected, while in the second case we mean to the *state* of property protected by state force. It is necessary to distinguish between two aspects of inviolability of property: the first is the right to inviolability as the ability to be protected from encroachment, and the second is actual inviolability as the state of property protected by the state. The legal community is not without discussion: some scientists argue that "the right to inviolability is a legal form of ensuring the protection of property"[1]; others point out that "inviolability exists both in real social relations and in the legal norms enshrining them"[2].

Understanding the distinction between the concepts of "right to inviolability of private property" and "inviolability of private property" is important for assessing possible limitations. Depriving an owner of the right to freely dispose of personal property effectively limits his right to inviolability, but this does not mean that his property becomes available for illegal actions[3].

The Constitutional Court of the Russian Federation mentions in its acts mentions that the principle of inviolability of property includes constitutional guarantees of free use of property, stability of property rights and impossibility of arbitrary deprivation or disproportionate restriction of property rights.

G. A. Gadzhiev, referring to Part 2 of Article 8 of the Constitution of the Russian Federation and Clause 4, Article 212 of the Civil Code of the Russian Federation, states that "the inviolability of private property covers the principle of equality of protection of the rights of all owners"[4].

Foreclosure of the debtor's property, regulated by Articles 235 and 237 of the Civil Code of the Russian Federation[5], is related to the forced termination of the right of ownership and directly to the principle of inviolability. The Constitution of the Russian Federation does not directly enshrine the inviolability of private property, but this principle is in one way or another *an integral part of the constitutional right to property*. In legal practice, there are several approaches to the interpretation of the content of this principle.

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1 *Kutafin O. E.* Op. cit.

2 *Patyulin V. A.* Neprikosnovennost lichnosti kak pravovoy institut [Personal inviolability as a legal institution] // Sovetskoe gosudarstvo i pravo [The Soviet State and Law]. 1973. No. 11. P. 13.

3 *Gadzhiev G. A.* Konstitutsionnye osnovy sovremennogo prava sobstvennosti [Constitutional foundations of modern property rights] // Zhurnal rossiyskogo prava [Journal of Russian Law]. 2006. No. 12. Pp. 30–41.

4 Ibid.

5 Civil Code of the Russian Federation (Part one) of 30.11.1994 No. 51-ФЗ (ed. of 08.08.2024, amended on 31.10.2024). Changes introduced by the Federal Law of 08.08.2024 No. 237-ФЗ, came into force from the date of its official publication (published on the Official Internet Portal of Legal Information http://pravo.gov.ru — 08.08.2024) // The Collection of Legislation of the Russian Federation, 05.12.1994, No. 32, Art. 3301.

Thus, lawyer, Candidate of Legal Sciences, A. I. Vasilyanskaya proposes to consider the principle of inviolability through several key elements: 1) exclusion of interference in the realization of the right of private property; 2) protection and defense of the right of property and its objects; 3) inadmissibility of arbitrary deprivation of property or disproportionate restriction of property rights[1].

The principle of inviolability of private property and its limitations are directly related to the balance of private and public interests. Many subjects are involved in the process of foreclosure on property: the owner-debtor, the claimant, and state authorities, which regulate the procedures of foreclosure and compliance with the principle of inviolability.

The Government plays an active role in protecting the principle of inviolability of property by establishing a list of property that cannot be foreclosed upon and thereby protecting the rights of owners. This legislative immunity also protects the interests of debtors, as well as their dependents and minor children.

By establishing a list of property that cannot be foreclosed, the state simultaneously safeguards the rights of owners despite the interests of creditors. If the property is confiscated for state needs, the owner receives compensation or similar property. These situations show the difference in approaches to the termination of property rights and their guarantees, where some rights are protected and others may be at risk.

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CONFERENCE REVIEWS

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# KAZAN INTERNATIONAL LEGAL FORUM: A NEW CHAPTER IN KAZAN'S LEGAL HISTORY

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**Abstract.** *The main idea of the article is the importance of the Kazan International Legal Forum as a platform for promoting the ideas of legal modernization and raising the level of legal literacy in business. The forum aims at objectives such as positioning lawyers as intermediaries between business and government, developing skills for effective business support, predicting the future of the legal profession, and promoting international cooperation. These objectives emphasize a modern approach to law, which is not limited to legal norms, but also includes a wide range of social and economic factors. The Forum emphasizes the importance of interaction between the state and society, the creation of a proactive legal community and the development of tools necessary for successful law enforcement practice in the light of new challenges.*

**Keywords:** *Kazan International Legal Forum (KILF), law, jurisprudence, session, plenary session, international forum.*

The Kazan International Legal Forum is organized with the support of the Government of the Republic of Tatarstan and the City Mayor's Office of Kazan for the third consecutive year. The initiative to organize the Forum belongs to the

Foundation Board of Trustees and the Association of Law Faculty Alumni of Kazan Federal University.

The purpose of the Forum is to create a unique platform for the legal, business, political and law enforcement communities to exchange experience, network, discuss problems and find solutions with leading industry experts and representatives of the public sector.

The Forum's mission includes promoting the ideas of modernizing law in the context of the global changes taking place today, improving professional and personal skills, developing a deep awareness of the value of human communication and the principles of interdependence in solving complex legal and social issues and challenges facing the Russian economy.

The objectives of the forum are:

— positioning the legal profession as a qualitative way of mediation in the relationship between business and the state;

— legal support of the process of attracting investments into the economy;

— training in effective skills and competencies through best practices necessary for the legal conduct and support of business in modern realities (hard skills / soft skills);

— productive networking and acquisition of useful connections;

— promoting the development of legal literacy in the business community;

— forecasting the future of the legal profession;

— creation of a unified legal community;

— international cooperation in the legal sphere.

In 2022, the Forum was organized at Kazan Federal University and Innopolis University. Forum 2022 in figures: more than 110 speakers — leading experts in law and economics — more than 400 participants from 30 cities in Russia and 6 foreign countries.

In 2023, the Kazan International Legal Forum gathered more than 650 participants from 14 countries and 35 cities in Russia. The main slogan under which the II Kazan International Legal Forum was held — #WEHAVETHERIGHT. The forum featured over 55 discussion platforms with over 300 speakers, including representatives of the Russian and foreign legal community, famous public and government officials, and representatives of business and government authorities. In addition, the Kazan International Legal Forum-2023 was supported by 64 partners, which indicates its high status in the world of legal events. The forum also received a wide media coverage: 195 mentions of the forum in major Russian and regional media and Internet resources, and more than 1,900 views of the plenary session.

The plenary session included keynote speeches by Konstantin Chuichenko, Minister of Justice of the Russian Federation; Farid Mukhametshin, Chairman of

the State Council of the Republic of Tatarstan; Pavel Krasheninnikov, Chairman of the State Duma Committee on State Construction and Legislation; Talia Khabrieva, Director of the Institute of Legislation and Comparative Law under the Government of the Russian Federation, Academician of the Russian Academy of Sciences; Konstantin Korsik, President of the Federal Chamber of Notaries; Mayor of the Kazan City Ilsur Metshin and Rector of Kazan Federal University Lenar Safin. The plenary session was moderated by Ildar Khalikov, Chairman of the Tatarstan Regional Branch of the All-Russian Public Organization "Association of Lawyers of Russia".

The results of the plenary session reflect the key topics, proposals, and plans related to the legal sphere and international initiatives.

The main points are as follows:

1. *Tradition of international events in Kazan.* Kazan continues to approve its role as a location for major international events. The II International Legal Forum was organized in the year of the 280th anniversary of the birth of Gavriil Derzhavin, a famous Russian state figure, and was an important event for the legal community.

2. *Preparation for the BRICS Summit.* In anticipation of the upcoming BRICS summit in Kazan, the forum became a platform for the exchange of experience and opinions on topical issues of modern law. The Mayor of Kazan proposed the creation of an association of cities of BRICS member countries to cope with international pressure from unfriendly countries and to create alternative structures.

3. *Crisis in the legal sphere.* Forum participants discussed the current crisis in the legal sphere and recognized it as part of modern legal life. Talia Khabrieva, Director of the Institute of Legislation and Comparative Law under the Government of the Russian Federation, emphasized that lawyers are not always ready for the new technological mode.

Already in 2024, the Kazan International Legal Forum gathered more than 1,200 participants from 27 countries and 50 cities in Russia. The forum featured more than 60 discussion platforms and 370 speakers, including representatives of the Russian and foreign legal communities. The forum was supported by about 70 partners.

In 2024, the media coverage of the Forum amounted to more than 10,000 views of the plenary session and 1,300 views of the online bankruptcy sessions.

The main slogan under the aegis of which the III Kazan International Legal Forum was held — #POWEROFLAW.

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The main slogan under the aegis of which the III Kazan International Legal Forum was held — #POWEROFLAW.

The thematic topic of the plenary session was "The power of law as a guarantee of sustainable economic growth and social stability". The session was attended by Pavel Krasheninnikov, Chairman of the State Duma Committee of the Federal Assembly of the Russian Federation on State Construction and Legislation; Akmal Saidov, First Deputy Speaker of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan; Alexander Fedorov, Deputy Chairman of the Investigative Committee of the Russian Federation; Rustam Nigmatullin, First Deputy Prime Minister of the Republic of Tatarstan; Lyudmila Novoselova, Chairman of the Intellectual Property Court; Mayor of Kazan City Ilsur Metshin; Rector of Kazan Federal University Lenar Safin; General Director of SIBUR-RT Stock Company, Kazan City Duma Deputy Airat Safin; Head of Legal Department of V. D. Shashin PJSC Tatneft Dmitry Medvedev.

The plenary session was moderated by Alexander Moskovkin, Head of the "Law" block of the Russian Newspaper online portal.

The speakers in their discussions emphasized:

— global work in the field of inheritance law, which has been carried out for more than 20 years, has been completed;

— activities are underway to improve notarial legislation, where the question of adopting a completely new law or amending the existing federal law is at hand;

— regardless of how exactly the legislation on notarial system will be amended, it should enshrine the fundamental principles of notarial system and its activities;

— Pavel Krasheninnikov spoke about the absence of the need to introduce a lawyer's monopoly;

— Alexander Fedorov drew attention to the problem of liberalization of criminal liability of legal entities in the Russian Federation;

— Lyudmila Novoselova connected the trend of growth of copyright litigation in business with the development of intellectual property and economic development;

— Ayrat Safin mentioned the readiness of the law to introduce digital tools that are actively used by major businesses;

— Akmal Saidov spoke about the interaction between the state and the people in the Republic of Uzbekistan on the example of people's control;

— Dmitry Medvedev summed up his discussion by saying that civil legislation leaves potential for further development and modernization to meet the modern realities of the economy.

At the end of the plenary session, an award ceremony was held for the D. I. Meyer Prize "For outstanding achievements and breakthrough works in the field of civil

law and process" — an award given once every two years to encourage scientists for their research works, academic discoveries and inventions of importance for science and practice in the field of civil law and process.

This year's award winners were: Professor, Head of the Department of Civil Law of the M. V. Lomonosov Moscow State University, Doctor of Legal Sciences Evgeny Sukhanov and Chairman of the Council (Head) of the Federal State Budgetary Scientific Institution "S. S. Alekseev Private Law Research Center under the President of the Russian Federation" — Lidia Mikheeva.

Within the framework of KILF-2024 a cooperation agreement was signed between two leading Russian universities: Kazan Federal University and the Russian State Academy of Justice.

At KILF-2024, the forum's mascot — a cat as a symbol — was presented. This cat is the image of a Kazan University Law Faculty graduate, he is a young lawyer of a new formation: proactive, motivated, and success-oriented, in the trend of the modern business world. His main aim is to become a high-class legal expert, for which he is constantly developing, reading a lot, attending forums, and studying new formats of work.

KILF-2024 has changed the legal map of the country, and Kazan has gained an annual legal event of international scale, which our city and its law school have long deserved.

Kazan has shone in a new way on the legal map, KILF is embedded in the cultural code of Kazan and is firmly established in the schedules of all leading lawyers.

See you at Kazan International Legal Forum, 2025!

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## Call for papers

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The journal is printed in English and comes out in four issues per year.

The journal has an International Editorial Council and a Russian Editorial Board. All articles are reviewed by a professional copyeditor whose native language is English.

Requirements for submissions:

- The journal accepts articles on fundamental issues of law not previously published elsewhere. The content of articles should reflect the author's original academic approach and developed doctrine of jurisprudence.
- Articles must be submitted in the English language only.
- Recommended number of words/pages: the journal uses the character count method. Articles (text plus footnotes) should contain 40,000 to 120,000 characters including spaces.
- Articles must include an abstract with 150–250 words and a list of at least five Keywords.
- The section 'Information about the author' must appear at the end of the article: it should contain the surname and name of the author, title of the author, place of work (or study), postal address, telephone number and e-mail address.
- For postgraduate students: please attach (as an image file) a review on the article written by a certified supervisor.
- Deadlines for submission of articles:

  Issue no. 1 – January 15 (launch of printed issue is March);

  Issue no. 2 – April 15 (launch of printed issue is June);

  Issue no. 3 – June 15 (launch of printed issue is September);

  Issue no. 4 – October 15 (launch of printed issue is December).
- Citation format: footnotes should conform to the 20th edition of *The Bluebook: A Uniform System of Citation.*

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

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