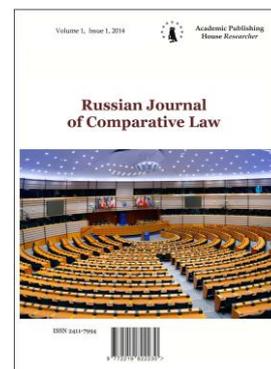


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Reviews

Review of the Textbook «Comparative Law: Textbook / P.N. Biriukov, D.V. Galushko; Voronezh State University. Voronezh: Publishing House of VSU, 2018. 380 p. ISBN 978-5-9273-2689-1»

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Abstract

This is a review of the textbook entitled «Comparative law» by Pavel Biriukov and Dmitry Galushko of Voronezh State University, Russia. This contribution has a value for both, scholars interested in the fundamentals of comparative law as a methodology and for students wishing to successfully accomplish the courses in comparative law and international law. The authors present and analyze in detail the modern legal developments in national legal systems. Each chapter of the book is supplemented by questions for the students to deepen their understanding of the matters discussed in it. This is a benefit of the textbook from the perspective of the methodology of teaching comparative law. This textbook is a much welcome contribution that will undeniably assist the students taking international law as well as comparative law courses in self-studies.

Keywords: comparative law, legal systems, legal families, international law, EU law.

1. Introduction

In the era of globalization, the value of comparative law acquires greater significance. It helps the reader to understand the features of development in a particular national legal system or in a group of such systems. Recently, Russian scholarship faced new developments in the field of comparative law. Specific monographs, textbooks, and methodological guidelines began to be actively published by Russian researchers. This contribution by the authors from Voronezh State University where the Department of international law and comparative law has a long scientific tradition is particularly welcome.

2. Discussion

Since the development of a given legal system on the basis of national legal traditions only is unthinkable, this contribution is of high value for Russian law students. The role of national elements in the law has fundamentally changed over the recent years. Preserving the unique traditional feature of legal regulation should go side with the best legal practices of other jurisdictions, going in line with the international standards of human rights protection. Effective implementing legal reforms in Russia would hardly be possible based on national experiences that are subject to scrutiny by international human rights bodies, especially relating the right to a fair

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trial or the right to liberty and security of person, freedom from inhuman and degrading treatment, or freedom of expression, assembly and association. On the other hand, such scrutiny is also topical for many other states. For instance, in the case of *Anchugov & Gladkov v. Russia* ([European Court...](#)) the European Court of Human Rights criticized the Russian Federation for disenfranchisement of prisoners. At the same time, the tradition of disenfranchisement to the detail of a crime exists also in other states ([Baer, 2012: 999](#)), which is the practice that has own logics behind it. Hence, the urgency of studying the logics according to which other legal systems function becomes crucial. Therefore, the scientific input of the textbook under consideration is timely and relevant for Russian audience.

The contribution under consideration is well structured. It consists of eleven chapters covering the issues as:

- the logics in national legal systems in the context of their multi-faceted understanding;
- the problems of defining the subject and choosing the right methodology for certain comparative law studies;
- the issues of practical application of comparative law by the courts and other public authorities with an account of such issues as international law, international integration, transformation of law;
- as well as the postulates of religious and traditional legal systems.

In attempts to adapt the textbook also to legal practitioners, the authors present and analyze the modern developments and challenges in national legal systems, providing the reader with the most recent materials such as legal acts and decrees. All materials analyzed in the textbook are supplemented by special notes regarding interaction of international and domestic legal orders that speaks for a good quality of this contribution also from the perspective of methodology of teaching.

Chapter Three, dealing with the issues of “implementation, unification and harmonization of legal norms” ([Biriukov, Galushko, 2018: 74-89](#)) analyses theoretical approaches to comparative law as a methodology. It also determines the role of international law in domestic legal orders, comments on its influence on national law, and predetermines tendencies of its development. The issue of Russia’s relationships with international human rights law has become most topical after the adoption of Federal Law No. 7 FKZ of 14 December 2015 on Amending the Organic Law “On the Constitutional Court of the Russian Federation.” That law provided the Constitutional Court with the power to rule on the constitutionality of decisions by international human rights courts and, therefore, to find them non-executable. Taking into consideration the said developments, deeper analysis of the role of constitutional law in national legal order, especially applied to the Russian Federation, the textbook by P. Biriukov and D. Galushko is noteworthy. In my opinion, this is a significant benefit of the textbook for M.A. level students who deal both, with international law and with comparative law.

At the same time, the scope of the textbook includes not only theoretical and methodological questions but also practical cases and examples of judicial use of comparative law.

Each chapter contains special questions to be contemplated by the students during the course ([Biriukov, Galushko, 2018: 29-73](#)). This is a good teaching technique advancing self-studies and calling the students to delve into theoretical issues thinking about the most complex and fundamental categories of comparative law.

Moreover, in line with the requirements of modern Russian academic standards, the textbook contains special case-type assignments allowing the students and professionals to challenge the level of their comprehension as well as to direct the teaching process towards problem-solving cognitive activities.

3. Results

The textbook is logically structured, written in good legal language, is easy to read and comprehend by the students. It is a good contribution for M.A. level students, post-graduate students, as well as for anyone else who is interested in in-depth comparative studies of legal systems.

4. Conclusion

This contribution by P. Biriukov and D. Galushko can be seen as both, a scientific work and a textbook for educational use. It carries out a dual function, i.e., it sums up the modern theories of

comparative law allows the reader to open new interpretations of interactions between individual legal phenomena that operate within the legal systems of various types.

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