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Kalis Mariya Nikolaevna

DYNAMICS OF DISPUTED SUBSTANTIVE LEGAL RELATIONSHIPS

Scientific specialty 5.1.3. Private law (civil) sciences

ABSTRACT TO THE DISSERTATION
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Scientific supervisor:
Demieva Ainur Gabdulbarovna
Doctor of Legal Sciences, Associate Professor

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Relevance of the dissertation research topic

The emergence of a dispute between substantive legal relationships parties frequently makes it necessary to appeal to the court to resolve such a dispute and, consequently, gives rise to procedural relationships involving the parties to the dispute and the court. When determining the rules governing the coexistence of substantive and procedural legal relationships, as well as the principles governing the functioning of the disputed relationship itself, both the disputing parties and the court are confronted with the question of the effect of disputedness and procedural activity on the substantive legal relationship: does it continue to operate in the same manner as prior to the emergence of the dispute and its referral to the court for adjudication, or does its dynamics acquire distinctive features?

Even when discussing the correlation between substantive and procedural law as legal communities, there is no consensus among researchers. The traditional approach, as I. Bentham metaphorically described it, holds that substantive laws are "substantives» and procedural ones are "adjectives". However, there is also an alternative position, according to which substantive and procedural law exist in a relationship of coordination and mutual influence.

The relevance of this topic may be examined from the following perspectives:

Doctrinal Aspect

Legal scholarship to date lacks a unified and well-developed doctrine concerning disputed substantive legal relationships. Despite the fact that individual aspects of disputed legal relationships have been examined in the context of protective legal relationships, disputes over rights, the theory of actions, and judicial decisions, there is no comprehensive theoretical understanding of how a dispute and its resolution affect the dynamics of the substantive legal relationship between the claimant and the respondent. The concept of a disputed substantive legal relationship has not been developed, its characteristics, stages of development, and conditions for transformation have not been defined. A significant proportion of civil law scholars either deny or substantially underestimate the influence of dispute-resolution activities, including procedural activities, on the substantive legal

relationship; civil procedure scholars, in turn, do not focus their attention on the substantive legal consequences of procedural phenomena. In this regard, research aimed at formulating the concept of a disputed substantive legal relationship, identifying the stages of its development, and determining the legally significant circumstances affecting it is of considerable doctrinal importance, as it enables the characterization of a legal phenomenon taking into account the tenets of both civil law and civil procedure scholarship. The present work focuses specifically on the dynamics of the disputed legal relationship that becomes the subject of judicial proceedings; accordingly, the examination of the influence of other forms of rights protection and dispute resolution does not fall within the direct scope of this work.

Socio-Economic Aspect

The effectiveness of judicial protection of violated or contested subjective rights of natural persons and legal entities directly affects the level of legal certainty, the predictability of conduct of participants in civil commerce and, consequently, the overall stability thereof.

An understanding of the specific features of a disputed legal relationship, the development of a model of its progression, and the consideration of the legal consequences of the parties' conduct during proceedings make it possible not only to improve the quality of law enforcement, but also to stimulate good-faith conduct on the part of the parties to a dispute and to enhance confidence in the judicial system.

At present, legislative regulation of changes to a substantive legal relationship following the emergence of a dispute and during the course of judicial proceedings is in practice confined to the institution of the settlement agreement. The question of the substantive legal consequences of concluding such an agreement, and even more so of the consequences of other forms of conciliation, has been left unaddressed by the legislator, although it has been the subject of a number of studies[1].

[1] See, e.g., Rozhkova M.A. Settlement Agreement: Use in Commercial Transactions. Moscow: Statut, 2005; Dvurechinsky D.V. Judicial Acknowledgment in the Content of a Settlement Agreement as a Legal Fact of Substantive Law // Arbitration and Civil Procedure. 2023. No. 6. Pp. 26–30; Kozhevnikova V.O., Chugurova T.V. The Concept and Essence of a Settlement Agreement as a Result of Conciliation Procedures in Russian Law // Topical Issues of Jurisprudence. 2022. No. 2 (74). Pp. 17–23. doi:10.46554/APJ-2022.2(74)-pp.17-23; Schwartz M.Z. On the

At the doctrinal and law-enforcement levels, attention has also been paid to the substantive and procedural legal consequences of certain acts performed during the course of judicial proceedings - in particular, accord and satisfaction[2], set-off[3], and novation[4].

The inadequacy of regulation and the fragmentation of studies devoted to the development of a legal relationship during the period of a dispute give rise to legal uncertainty for participants in judicial proceedings, which adversely affects both their willingness to reach a settlement and the overall effectiveness of judicial protection.

Accordingly, the socio-economic significance of the subject of the research necessitates, in particular, the identification and substantiation of the consequences of the conduct of the parties to a disputed legal relationship, including conduct directed at the elimination of the dispute.

Law-Enforcement Aspect

In addition to the parties' desire for legal certainty in the performance of legally significant acts following the emergence of a dispute, it is also necessary to take into account the objectives and principles governing the administration of judicial proceedings.

Over the past two decades, the courts' approach to the question of the dynamics of a disputed legal relationship and of a legal relationship established by

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Admissibility of Settlement Agreements Negating the Pre-Procedural Factual Composition // Zakon. 2023. No. 4. Pp. 14–21.

[2] Savinykh V.A. Termination of Obligations by Accord and Satisfaction: Commentary on Judicial Practice // Arbitration Disputes. 2012. No. 1. Pp. 137–152.

3 Abushenko D.B. Civil Law Set-Off and Set-Off Effected upon Satisfaction by the Court of Counterclaims and Original Claims: Theoretical Reflections on the Similarities and Differences of Legal Institutions // Bulletin of Civil Procedure. 2020. No. 6. Pp. 20–21; Pavlov A.A. Set-Off in Court: Commentary on the Ruling of the Judicial Collegium for Economic Disputes of the Supreme Court of the RF dated 20 February 2017 No. 306-ЭС15-18494 // Bulletin of Economic Justice of the Russian Federation. 2017. No. 6. Pp. 9–13; Arkhipov I.S., Matskevich P.N. Topical Issues of Counterclaims: Judicial Practice and Doctrine // Bulletin of Civil Procedure. 2020. No. 2. Pp. 131–158; Pastukhova M.V. Set-Off of Homogeneous Counterclaims // Arbitration Disputes. 2023. No. 2. Pp. 3–14.

[4] See, e.g., Pavlov A.A. Conditions and Consequences of Novation // Bulletin of the Supreme Arbitration Court of the Russian Federation. 2006. No. 8. Pp. 4–18; Abushenko D.B. Procedural Legal Consequences of an Unconfirmed Settlement Agreement in Adversarial Proceedings: An Analysis under Russian Legislation // Bulletin of Economic Justice of the Russian Federation. 2019. No. 6. Pp. 92–116; Shevchenko I.M. On the Concept of "Uniformity of Judicial Practice" (by Reference to Bankruptcy Cases) // Russian Legal Journal. 2022. No. 6. Pp. 144–155

a court has changed on numerous occasions, no scientific or practical justification for such changes has been developed yet.

The most well-known "reversal" occurred in connection with the justification for the permissibility of set-off of homogeneous counterclaims after the commencement of proceedings for the recovery of funds under one of such claims. Prior to the adoption on 11 June 2020 of Resolution No. 6 of the Plenum of the Supreme Court of the Russian Federation "On Certain Issues of Application of the Provisions of the Civil Code of the Russian Federation on the Termination of Obligations"[5],such set-off was not permitted pursuant to paragraph 1 of the Review of Practice in Resolving Disputes Related to the Termination of Obligations by Set-Off of Counterclaims of Homogeneous Obligations (Information Letter of the Presidium of the Supreme Arbitration Court of the Russian Federation (hereinafter - the SAC RF) of 29 December 2001 No. 65)[6]. The Supreme Arbitration Court held that, within the meaning of paragraph 1 of part 3 of Article 110 of the Arbitration Procedure Code of the Russian Federation[7], following the filing of a claim against a debtor, it is not permissible to terminate an obligation by set-off of a counterclaim of homogeneous obligations pursuant to Article 410 of the Civil Code of the Russian Federation. The respondent may protect its rights only by filing a counterclaim directed at offsetting the original claim, or by bringing a separate claim before the arbitration court." This approach was criticised by many civil law scholars, primarily for the absence of either theoretical or practical justification for such a restriction[8].

Paragraph 19 of the aforementioned Resolution of the Plenum of the Supreme Court of the Russian Federation of 11 June 2020 No. 6 states that obligations may

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[5] Resolution of the Plenum of the Supreme Court of the Russian Federation of 11 June 2020 No. 6 "On Certain Issues of Application of the Provisions of the Civil Code of the Russian Federation on the Termination of Obligations" // Rossiyskaya Gazeta. 2020. No. 136.

[6] Information Letter of the Presidium of the Supreme Arbitration Court of the Russian Federation of 29 December 2001 No. 65 "Review of Practice in Resolving Disputes Related to the Termination of Obligations by Set-Off of Counterclaims of Homogeneous Obligations" // Bulletin of the SAC RF. 2002. No. 3.

[7] Reference is to the Arbitration Procedure Code of the Russian Federation of 5 May 1995 No. 70-FZ // Collection of Legislation of the Russian Federation. 1995. No. 19. Art. 1709

[8] See, e.g., Pavlov A.A. Set-Off in Court. Commentary on the Ruling of the Judicial Collegium for Economic Disputes of the Supreme Court of the RF dated 20 February 2017 No. 306-ЭС15-18494 // Bulletin of Economic Justice of the Russian Federation. 2017. No. 6. Pp. 9–13; Arkhipov I.S., Matskevich P.N. Topical Issues of Counterclaims: Judicial Practice and Doctrine // Bulletin of Civil Procedure. 2020. No. 2. Pp. 131–158.

be terminated by set-off after a claim has been filed in respect of one of the demands. A party may, at its discretion, either assert a set-off by way of a counterclaim or, after a claim has been filed, send the claimant a notice of set-off and indicate in its objection to the claim that the demand in respect of which the claim was filed has been extinguished.

At the same time, the Plenum's Resolution contains no express statement that the clarifications contained in the 2001 Review of Practice have lost legal force, which in certain cases leads to the erroneous application of those outdated clarifications[9].

There are also inconsistencies in the positions of courts on the issue of the consequences of the elimination of the violations that served as grounds for bringing the matter before the court during the course of judicial proceedings. For example, pursuant to paragraph 8 of the Review of Practice in Resolving Disputes Related to the Conclusion, Modification and Termination of Contracts (Information Letter of the Presidium of the SAC RF of 5 May 1997 No. 14)[10], a claim for termination of a lease agreement shall not be granted if the violations that served as grounds for bringing the matter before the arbitration court have been remedied within a reasonable time. Paragraph 23 of the Resolution of the Plenum of the Supreme Arbitration Court of the Russian Federation of 17 November 2011 No. 73 "On Certain Issues of Practice in Applying the Rules of the Civil Code of the Russian Federation on Lease Agreements"[11] takes the opposite position - even after the tenant has remedied the violations committed by it, the landlord has the right, within a reasonable time, to file a claim for termination of the contract. In effect, this position should preclude the application of paragraph 8 of the Information Letter of the Presidium of the SAC RF of 5 May 1997 No. 14 in cases where the claimant applied

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[9] For example, by Resolution of the Arbitration Court of the North-West District of 02.12.2025 No. F07-13140/2025 in case No. A56-99457/2024, the acts of the lower courts, based on the 2001 Review of Practice, were reversed.

[10] Information Letter of the Presidium of the SAC RF of 5 May 1997 No. 14 "Review of Practice in Resolving Disputes Related to the Conclusion, Modification and Termination of Contracts" // Bulletin of the SAC RF. 1997. No. 7.

[11] Resolution of the Plenum of the Supreme Arbitration Court of the Russian Federation of 17 November 2011 No. 73 "On Certain Issues of Practice in Applying the Rules of the Civil Code of the Russian Federation on Lease Agreements" // Bulletin of the SAC RF. 2012. No. 1

to the court within a reasonable time; however, even after the emergence of the new clarifications, courts in certain cases refuse to grant claims for termination of a contract[12]. Rejecting reference to the current interpretation, courts indicate that the 2011 clarifications "concern the landlord's right to bring a claim for termination of the contract within a reasonable time after the debt has been paid and do not contain any indication that the court is under an obligation to terminate the contract in such a case." At the same time, there is a significant number of judicial acts in which courts, notwithstanding the respondent's remediation of the violations that gave rise to the claim for termination of the contract, grant such claims[13].

The resolution of such inconsistencies in judicial practice may be assisted by the development of a theoretical basis for the influence of certain legal facts on the substantive legal relationship following the emergence of a dispute and during the course of judicial proceedings.

The attempts to restrict the exercise of substantive rights during the period of their judicial protection - reflected, in particular, in the aforementioned 2001 Review of Practice, and even after the conclusion thereof[14] - may also be motivated by a desire to prevent potential abuse by the parties, manifested, for example, in the use of judicial proceedings to confirm the "existence" of facts and legal relationships that were not in fact present, and by the desire to "fix" the factual composition to be established at the moment of bringing the matter before the court, so as to avoid a divergence between the circumstances established by the court and the changed factual circumstances. However, these considerations cannot exclude the fact that

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[12] See, e.g., Resolution of the Arbitration Court of the Moscow District of 19 February 2015 No. F05-373/2015 in case No. A41-66870/13; Resolution of the Arbitration Court of the Volga-Vyatka District of 2 June 2020 No. F01-9171/2020 in case No. A31-235/2019

[13] See, e.g., Resolution of the Presidium of the SAC RF of 23 June 2009 No. 4651/09 in case No. A12-11675/08; Resolution of the Arbitration Court of the East Siberian District of 28 April 2022 No. F02-1403/2022 in case No. A19-7796/2021; Resolution of the Arbitration Court of the Moscow District of 5 November 2014 No. F05-12208/14 in case No. A41-4224/14; Ruling of the Supreme Court of the RF of 26 August 2016 in case No. 309-ЭС16-10089.

[14] For example, paragraph 7 of the Review of Practice on the Application by Arbitration Courts of Article 414 of the Civil Code of the RF (Information Letter of the Presidium of the SAC RF of 21 December 2005 No. 103) states that an agreement on novation between the creditor and the debtor, concluded at the enforcement proceedings stage but not approved by the court as a settlement agreement, is considered unconcluded.

legally significant circumstances continue to arise both after the emergence of the dispute and during the course of judicial protection.

Accordingly, the relevance of the research topic is determined by the need to substantiate the presence or absence of distinctive features in the dynamics of a disputed legal relationship, as well as the importance of determining the procedure for the exercise of disputed legal relationships, taking into account the tenets of civil law and civil procedure scholarship and the needs of practice.

The level of development of the scientific problem.

Both in the procedural law literature and in the substantive law literature, the discussion of various aspects of the interaction between substantive and procedural law is not a new phenomenon - in domestic publications of the late nineteenth and early twentieth centuries, authors refer to the works of German procedure scholars (in particular, M. Pagenstecher and O. Bülow) and analyze how certain questions were resolved under Roman law. Practically all major scholars in the field of civil procedure (and in certain cases in the field of civil law) of the Soviet period addressed, albeit indirectly, in their works the question of the correlation between civil procedure and the substantive legal relationship. Reference is made to the works of such scholars as M.A. Gurvich, O.A. Krasavchikov, and N.A. Chechina.

Particular mention should be made of the works of such civil law scholars as V.F. Popondopulo, D.N. Karkhalev, and G.V. Kolodub, devoted to the dynamics of legal relationships, protective legal relationships, and the theory of legal facts.

Currently both monographs and dissertations are being devoted to the study of certain aspects of procedural influence on substantive legal relationships. In particular, the works of D.B. Abushenko, D.B. Volodarsky, A.A. Gros and L.A. Gros, M.A. Kozlov, M.A. Rozhkova, and N.V. Tikhonkova.

Among the most significant dissertation studies, mention should be made of the work of D.B. Volodarsky, devoted to the effects of the binding force of a court judgment on a subjective right (2013), and of D.B. Abushenko, dealing with the mutual influence of judicial acts and legal facts of substantive law in civil proceedings (2014).

A considerable number of works are devoted to only one of the possible aspects - the effect of a court judgment on substantive legal relationships. However, the need for studies that take into account the tenets of civil law and civil procedure theory and examine other aspects of the influence of procedural activity on substantive legal relationships is confirmed by leading representatives of civil law and civil procedure scholarship. Thus, M.A. Rozhkova, in her doctoral dissertation, substantiates that legal facts entailing simultaneously both civil law and procedural consequences must be studied by both civil law and civil procedure scholarship[15]. M.A. Kozlov also notes that, due to the absence of a uniform approach to this problem in legal scholarship, there is a need to study the effect of a court judgment on a civil legal relationship[16]. D.B. Abushenko, proposing to systematize studies on issues of procedural and substantive mutual influence, notes that such scholarly studies "must be constructed on the basis of separate examination of questions of 'statics' and 'dynamics'" and must encompass "questions related to the dynamics of the disputed (established) substantive legal relationship, the emergence of a new substantive legal relationship at various judicial stages."[17]

In this regard, the current level of development of the subject not only permits, but also necessitates, the study of those aspects of procedural influence that have not become an independent subject of research until now - namely, questions of the dynamics of a disputed substantive legal relationship.

Purpose and objectives of the study.

The purpose of the dissertation is to develop a concept of the dynamics of a disputed legal relationship that substantiates the reasons why a disputed legal relationship has distinctive features in its development, and the rules governing such development.

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[15] Rozhkova M.A. Theories of Legal Facts of Civil and Procedural Law: Concepts, Classifications, Principles of Interaction: Doctoral Dissertation: specialty 12.00.03 "Civil Law; Business Law; Family Law; Private International Law," 12.00.15 "Civil Procedure; Arbitration Procedure." Moscow, 2010. P. 359.

[16] Kozlov M.A. On the Role of a Court Judgment in the Emergence, Development and Termination (Movement) of a Civil Legal Relationship // Zakon. 2008. No. 1. Pp. 139–149.

[17] Abushenko D.B. Certain Issues of the Systematization of Research with Respect to the Problems of Mutual Influence of Judicial Acts and Legal Facts of Substantive Law in Civil Proceedings // Law and the State: Theory and Practice. 2013. No. 10(106). P. 68.

To achieve this purpose**, the following objectives have been set**:

1. To formulate the definition of a disputed substantive legal relationship for the purposes of the study.

2. To identify and systematize the consequences of the violation and contestation of rights for the substantive legal relationship.

3. To ascertain what significance the assertion of a claim to an obligated person may have for the dynamics of a substantive legal relationship.

4. To describe the rules for taking into account circumstances entailing changes to the disputed substantive legal relationship that have occurred after the emergence of the dispute.

5. To characterize the influence of the procedural conduct of the parties and of the court judgment on the disputed substantive legal relationship.

6. To describe and substantiate the procedural order for considering the voluntary performance by the respondent of the claimant's demands.

Object of the research.

Substantive legal relationships that are the subject of protection and exercise in civil and arbitration proceedings, as well as legal relationships arising in connection with the examination and resolution of civil cases in courts of general jurisdiction and arbitration courts.

Subject of the research.

The current Russian legislation governing the procedure for the exercise of substantive rights and obligations by parties to legal relationships following the emergence of a dispute over a right and during the period of examination of the dispute by a court, as well as the practice of courts of general jurisdiction and arbitration courts of the Russian Federation reflecting such procedure, and the scholarly works of Russian and foreign academics on the subject of the research.

Theoretical and methodological basis of the research

In view of the cross-sectoral nature of the object of the research, the **theoretical basis of the research** was formed by the works of legal scholars in various fields of legal knowledge:

- works in the field of general theory of state and law, devoted primarily to the theory of legal facts and the concept and characteristics of protective legal relationships, in particular the works of S.S. Alekseev, V.V. Gruzdev, V.B. Isakov, M.N. Marchenko, E.Ya. Motovilovker, V.N. Protasov, and R.O. Khalfina;

- studies in the field of civil law devoted to individual aspects of the dynamics of civil legal relationships, including the significance of violation of a right and civil liability. Reference is made, in particular, to the works of R.S. Bevzenko, V.V. Vitryansky, D.N. Karkhalev, O.A. Krasavchikov, E.A. Krasheninnikov, G.V. Kolodub, A.A. Pavlov, V.F. Popondopulo, E.A. Sukhanov, and Yu.K. Tolstoy;

- works of civil procedure scholars, in particular D.B. Abushenko, V.V. Butnev, E.V. Vas'kovsky, D.B. Volodarsky, A.A. Gros', L.A. Gros', M.A. Gurvich, P.F. Eliseïkin, I.M. Zaïtsev, N.B. Zeïder, O.V. Isaenkova, M.D. Matievsky, V.A. Musin, M.M. Nenashev, E.A. Nefed'ev, G.L. Osokina, I.M. Pyatiletov, M.A. Rozhkova, N.N. Tarusina, N.V. Tikhon'kova, S.N. Khorunzhy, N.A. Chechina, D.M. Chechot, T.M. Yablochkov, V.V. Yarkov, as well as the works of foreign legal scholars: I. Bentham, O. Bülow, M. Pagenstecker, and F.K. von Savigny.

The dissertation research is based on several theoretical concepts that have been proposed in the legal literature, the key ones being:

- the concept of regulative and protective legal relationships, according to which legal relationships are classified into regulative - arising on the basis of lawful conduct of the parties and directed at the realization of their interests permitted by law - and protective - arising as a consequence of a legal wrong and directed at the protection of violated rights (S.S. Alekseev, S.N. Bratus', V.P. Gribanov, P.F. Eliseïkin, E.Y. Motovilovker, V.N. Protasov, R.O. Khalfina);

- the concept of the integrated (substantive-procedural) nature of a claim, according to which a claim is regarded both as a substantive subjective right to judicial protection, arising from a violated substantive right, and as a procedural means of protecting that right, constituting a demand addressed to the court for the protection of a violated or contested right (A.A. Dobrovolsky, I.N. Kashkarova, A.F. Kleïnman, M.A. Rozhkova, D.M. Chechot);

- the concept of a court judgment as a legal fact of substantive law, according to which a court judgment not only recognizes and confirms an already existing subjective right or legal relationship, but may also create a new subjective right, and modifies or terminates existing legal relationships (O. Bülow, E.V. Vas'kovsky, A.A. Gros', L.A. Gros', M.A. Gurvich, L. Julliot de la Morandière, M.A. Rozhkova, M. Pagenstecher, Schrutka von Rechtenstamm, V.P. Shakhmatov, T.M. Yablochkov).

The methodological basis of the dissertation research consists of a system of general scientific, specific scientific, and special methods of cognition of social-legal and social-economic phenomena.

The formal legal method was used to formulate the concept of a disputed substantive legal relationship and to correlate it with other concepts.

The method of systems analysis was employed in examining legal phenomena - legal facts of substantive and procedural law - in their interconnection and interdependence as they bear upon the dynamics of the substantive legal relationship.

The method of formal logic was used in determining the conformity of the proposed approaches with the legislation and with existing doctrinal concepts.

By means of the comparative legal method, the development of domestic legislation was studied, its provisions were compared with those of Roman law and foreign legislation, and the approaches to judicial practice formed in different periods were compared.

The application of the historical-legal method made it possible to trace the evolution of the concept of a "dispute over a right" and of approaches to determining the moment at which protective legal relationships arise.

The method of systemic interpretation was applied in the analysis of the rules of civil, procedural, and family law, including provisions of the Civil Code of the Russian Federation[18] (hereinafter - the CC RF), the Civil Procedure Code of the

[18] Civil Code of the Russian Federation: Part One of 30 November 1994 No. 51-FZ // Collection of Legislation of the Russian Federation. 1994. No. 32. Art. 3301; Part Two of 26 January 1996 No. 14-FZ // Collection of Legislation of the Russian Federation. 1996. No. 5. Art. 410.

Russian Federation[19] (hereinafter - the CPC RF), the Arbitration Procedure Code of the Russian Federation[20] (hereinafter - the APC RF), the Family Code of the Russian Federation[21], as well as in examining the interaction of legal facts and procedural institutions (for example, interim measures, procedural succession, the consequences of withdrawal of a claim).

Particular attention in the work has been paid to the dogmatic (legal-dogmatic) method, which was applied in identifying the legal nature of the disputed legal relationship as the subject of judicial activity and in constructing a theoretical model of its dynamics.

The method of legal modelling was used in classifying disputed legal relationships depending on the consequences of the violation of a right and the emergence of a new claim in terms of content, and for the subsequent determination of the procedure for the exercise of disputed legal relationships of various types.

The selection and combination of the aforementioned methods were determined by the specific nature of the object under study, the need to take into account both doctrinal positions and law-enforcement practice, and the aim of achieving legal certainty in matters of the dynamics of disputed substantive legal relationships.

Information basis of the research

The information basis of the research comprises the Civil Code of the RF, the Civil Procedure Code of the RF, the Arbitration Procedure Code of the RF, other federal laws, foreign legislation, as well as normative acts of the pre-revolutionary and Soviet periods of Russian history.

The information basis of the research also includes empirical sources — judicial practice of courts of general jurisdiction and arbitration courts at various levels, acts of the highest judicial instances (the Supreme Court of the RF, the

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[19] Civil Procedure Code of the Russian Federation of 14 November 2002 No. 138-FZ // Collection of Legislation of the Russian Federation. 2002. No. 46. Art. 4532.

[20] Arbitration Procedure Code of the Russian Federation of 24 July 2002 No. 95-FZ // Collection of Legislation of the Russian Federation. 2002. No. 30. Art. 3012

[21] Family Code of the Russian Federation of 29 December 1995 No. 223-FZ // Collection of Legislation of the Russian Federation. 1996. No. 1. Art. 16.

Constitutional Court of the RF, and previously adopted acts of the Supreme Arbitration Court of the RF).

Validity and reliability of the research results.

The validity and reliability of the conclusions obtained as a result of the research are confirmed by the use of appropriate methodology, the study of a sufficient body of normative material, scholarly literature, and judicial practice in specific cases, as well as by the use of empirical data collected and analyzed in the course of the work on the dissertation, the formulation of conclusions based on the analysis and interpretation of normative legal acts of the Russian Federation and law-enforcement acts, and the application by the author of dissertation research methods that make it possible to construct the appropriate approach and direction in forming the author's own original conclusions.

Scientific novelty.

The scientific novelty of the research consists in the development and theoretical substantiation of the concept of the dynamics of a disputed substantive legal relationship and of the exercise of substantive rights and obligations by its parties following the emergence of the dispute and during the period of its examination by the court. For the first time, a definition of disputed substantive legal relationships is given for the purposes of further study of the influence of procedural activity thereon; their classification is provided depending on the consequences of the emergence of the dispute and the content of the legal relationship; an explanation is provided for the distinctive features of the dynamics of a disputed substantive legal relationship, taking into account the tenets of substantive and procedural law theory and practical needs. The examples found in legislation and judicial practice of the influence of the emergence of a dispute and of judicial proceedings on the substantive legal relationship are doctrinally substantiated — in particular, the weakening of the accessory character of security obligations; and approaches to the dynamics of legal relationships during the period of a dispute that lack theoretical justification are refuted — in particular, restrictions on the means of terminating an obligation. The significance of procedural conduct and a court judgment for the

dynamics of the disputed legal relationship is determined. Rules are also developed for taking into account the voluntary satisfaction of the claimant's demands, designed to prevent the claimant's unjust enrichment.

The most significant results of the research, obtained personally by the author and containing elements of scientific novelty, are reflected in the following **provisions submitted for defense**:

1. An original definition of a disputed substantive legal relationship is given, establishing the theoretical basis for further study of the dynamics of such legal relationships in the course of judicial protection. A disputed legal relationship is a presumptively existing substantive legal relationship, the content of which consists of rights and obligations arising in connection with the alleged violation or contestation of a right. The rights cannot be exercised by the entitled person independently, and the entitled person's recourse to a court renders the disputed legal relationship the subject of judicial activity directed at eliminating its disputedness by establishing legally significant circumstances (*the provision submitted for defense corresponds to items 7 (grounds for the emergence and dynamics of private law relationships) and 10 (protection of rights in private law relationships) of the passport of specialty 5.1.3 — private law (civil) sciences*).

2. A classification of disputed legal relationships is developed depending on the legal consequences of the violation or contestation of a right:

Group 1. The regulative legal relationship exists prior to the violation and is preserved after the violation; no new legal relationship arises for the restoration of the violated right — the entitled person has the right to demand the performance of the obligations provided for by the regulative legal relationship.

Group 2. The regulative legal relationship existed at the time of the violation and was terminated in connection with the violation (or, due to the existence of violations of the regulative legal relationship, it did not arise), and a legal relationship with a different content has arisen for the restoration of rights, the demands of which are subject to compulsory enforcement.

Group 3. The regulative legal relationship existed at the time of the violation, was not terminated in connection with the violation, and the protective legal relationship has a content different from that of the regulative legal relationship (the application of penal sanctions, the restoration of the normal possibility of exercising the regulative legal relationship, and the modification or termination of regulative legal relationships).

Group 4. The demand of the entitled party is directed at eliminating uncertainty and recognizing the regulative legal relationship as existing or, conversely, as absent.

Within the said groups of legal relationships, subgroups are also identified depending on the nature of the existing (or previously existing) regulative legal relationship and the content of the protective claim (*the provision submitted for defense corresponds to items 7 and 10 of the passport of specialty 5.1.3 — private law (civil) sciences*).

3. The substantive legal significance of the assertion of a claim by the entitled person to the obligated person is established. In the absence of an identity between the person committing the violation and the obligated person (for example, when a claim is filed against a guarantor or pledgor), as well as in cases where the content of the protective claim differs from the content of the regulative right and depends on the entitled person's choice of one of the alternative means of protection, the protective legal nexus and the dispute over the right arise only after the claim has been presented to the obligated person and on condition that the latter fails to comply therewith. The presentation of a claim in these cases must precede recourse to the court. If the entitled person does not exercise a choice of means for the protection of the violated right, one should proceed on the basis of the possibility of the choice of means for restoring the violated right being made by the obligated person itself, by analogy with the consequences of failure to make a choice in the context of an alternative obligation. The loss of accessory character by security obligations, manifested in the fact that upon the liquidation of the principal debtor the security obligation is not terminated if a claim (whether in judicial or pre-trial proceedings)

has already been presented to the pledgor or guarantor, is connected with the emergence, as a result of the presentation of a claim to such persons, of a protective legal relationship with a plurality of persons on the debtor's side (*the provision submitted for defense corresponds to items 7 and 10 of the passport of specialty 5.1.3 — private law (civil) sciences*).

4. It is determined how the elimination of the violation that gave rise to the dispute, and the circumstances entailing a modification of the legal relationship, affect the disputed legal relationship. The elimination of the violation of a right that caused the dispute terminates the disputed legal relationship only in cases where the content of the disputed legal relationship coincides with that of the regulative legal relationship (under the classification provided — legal relationships of Group 1). In other cases, where a protective legal relationship with a different content has arisen (Groups 2 and 3), it cannot be terminated by eliminating the violation of the regulative legal relationship. In Group 4, the elimination of legal uncertainty in the contestation of rights is achievable precisely through judicial establishment of the content of the legal relationship or the absence thereof, as a result of which the obligated person is likewise deprived of the ability to terminate the dispute by its own unilateral acts. The regulative and protective legal relationship may develop in maximum autonomy from each other (including one surviving after the termination of the other and being transferred to different persons) in cases of protective legal relationships involving the application of liability measures against the person committing the violation. In other cases, in Groups 1 and 3, as a general rule, a modification of the content and subject composition of the regulative legal relationship entails analogous modifications for the protective legal relationship. In certain cases, a modification of the regulative legal relationship will either lead to the termination of the protective claim (for example, in the event of an extension of the time limit for performing the disputed obligation), or will call into question the possibility of compulsory enforcement of the claim directed at the termination of the legal relationship (in the event of acts confirming the intention to maintain the legal

relationship) (*the provision submitted for defense corresponds to items 7 and 10 of the passport of specialty 5.1.3 — private law (civil) sciences*).

5. The legal nature of the procedural conduct of the parties and the significance of a court judgment as legal facts affecting the dynamics of the disputed legal relationship are determined. The procedural conduct of the parties constitutes a condition for the exercise of a protective claim: for the claimant — the claim asserted in the action; for the respondent — a declaratory claim aimed at eliminating the legal uncertainty that arose in connection with the demands presented by the claimant. In the event of a divergence between the circumstances that actually exist and those established by the court, the procedural conduct of the parties serves as a basis for the emergence of a legal fiction of the existence of substantive legal relationships between the parties. Such a fiction, due to the subjective limits of the binding force of a court judgment, is binding only upon the persons participating in the case, constituting an independent basis for the making of property transfers, and does not replace the actually existing substantive legal relationships of the parties, which may be established in proceedings involving other persons. A court judgment, upon acquiring binding force, terminates transformative and declaratory protective claims, as well as the protective legal relationships of which they formed a part, since the restoration of the violated right has been achieved through the attainment of legal certainty (for declaratory claims), or the modification or termination of legal relationships (for transformative claims). A protective enforcement claim, upon the entry into force of a decision on its implementation, becomes an entitlement forming part of a regulative or protective legal relationship, endowed with the possibility of compulsory enforcement. The moment at which the substantive legally significant consequences of a transformative court judgment arise differs depending on whether the court judgment is a mandatory element of a complex legal composition by virtue of law (for example, dissolution of marriage where there are minor children) — in which case the consequences may arise only upon the judgment's acquisition of binding force — or whether the need to complete the legal composition by way of a court judgment is connected with the existence of a dispute over a right, and in the

absence thereof the legal relationships could have been terminated by agreement of the parties (for example, termination of a contract upon a material breach thereof by one of the parties) — in which case the court may date the occurrence of legally significant consequences to the moment when all other elements of the legal composition had materialized (*the provision submitted for defense corresponds to items 7 and 10 of the passport of specialty 5.1.3 — private law (civil) sciences*).

6. Rules are formulated for taking into account the voluntary performance by the respondent of the claimant's demands, which broadens the understanding of the legal nature of the termination of a dispute, the role of performance as a substantive ground for the termination of a claim, minimizes the risks of obtaining double performance, and serves the purposes of procedural economy. The satisfaction of the claimant's claim by the respondent should be regarded as a ground for the termination of proceedings by a court of first instance or by an appellate court, if such satisfaction was effected prior to the conclusion of the examination of the case by the court of the relevant instance, even if the party did not raise the issue of such satisfaction at first instance, since such satisfaction terminates both the dispute over the right and the protective legal relationship (*the provision submitted for defense corresponds to items 7 and 10 of the passport of specialty 5.1.3 — private law (civil) sciences*).

Theoretical and practical significance of the study.

The theoretical significance of the research consists in the development and supplementation of scientific knowledge on the dynamics of a substantive legal relationship following the emergence of a dispute and during the period of its examination by the court, the elimination of gaps and contradictions that existed due to the absence of a uniform understanding of the influence of the moment of emergence of the dispute, recourse to the court, procedural conduct, and a court judgment on the dynamics of the substantive legal relationship. A doctrinal basis is provided for both previously expressed approaches found in the literature and for approaches that are new to scholarship. Rules are developed describing the procedure for the development of a disputed legal relationship and the distinctive

features of its exercise depending on the type of legal relationship, the nature of the violation of the right, and the content of the claim.

The practical significance of the research lies in the identification and description of the distinctive features of the procedure for the exercise of substantive rights and obligations by parties to legal relationships during the period of examination of a dispute by the court, the use of which will enable participants in judicial proceedings to foresee the consequences of their substantive and procedural conduct, and will enable courts to determine such consequences uniformly when examining cases.

The proposals developed by the author for assessing the influence of legal facts of substantive and procedural law on the disputed legal relationship were implemented in practical activity in the course of representing interests before courts in civil cases.

In the course of the research, proposals were developed for the improvement of the current legislation and the elimination of contradictions with the proposed doctrinal approaches:

1) with a view to eliminating the situation described in paragraph 1 of Chapter 2, in which the moment of emergence of a dispute coincides with the moment of filing claims with the court, it is necessary to supplement Part 3 of Article 3 of the CPC RF and Part 5 of Article 4 of the APC RF with a paragraph reading as follows: "Compliance with the pre-action claims procedure is mandatory in cases where, as a result of a violation of a right, the creditor determines the means of restoring the right by filing one of several alternative claims whose content differs from the violated right, or files a claim against a person who is not the debtor under the principal obligation";

2) with a view to bringing the provisions on the consequences of the voluntary satisfaction of the claimant's demands by the respondent, as well as the termination of the disputed claim after the filing of an action as a result of other acts of the parties to the legal relationship, into conformity with the substantiated doctrinal position, it is necessary to supplement Article 220 of the CPC RF with paragraph 9, and Part 1

of Article 150 of the APC RF with item 8, reading as follows: "the performance by the respondent of the claimant's demands, or the performance by the parties of other acts entailing the termination of the claim asserted, after the claimant has filed a statement of claim and prior to a judgment acquiring binding force," thereby classifying the said circumstance among the grounds for the termination of proceedings.

Approbation of the dissertation results.

The dissertation was completed and discussed at the Department of Civil and Corporate Law at the Saint Petersburg State University of Economics.

The main results of the research, the practical proposals and recommendations of the author are reflected in eight published scholarly articles, four of which are in scholarly journals recommended by the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation. The total length of published articles is 3.8 p.p.

The author presented reports reflecting the results of the research at conferences, as evidenced by conference programmes and collections of materials published following the conferences, in particular:

- at the All-Russian Scientific and Practical Conference "Justice in Civil Cases: Problems and Prospects of Development" (North-West Branch of the FSBIE HPE "Russian Academy of Justice," 2012)[22];

at the International Scientific and Practical Conference "The Institution of Civil Law Protection in Modern Conditions" (North-West Branch of the FSBIE HE "Russian State University of Justice," 2018)[23];

at the International Scientific and Practical Conference "Law and the Modern Economy" (Saint Petersburg State University of Economics, 2018)[24];

at the Saratov Legal Forum (Saratov, 2025)[25];

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[22] The conference proceedings are available at: https://www.elibrary.ru/item.asp?id=27396630

[23] The conference proceedings are available at: https://www.elibrary.ru/item.asp?id=36732190

[24] The conference programme is available at: https://unecon.ru/wp-content/uploads/2022/04/programma_konferencii_pravo_i_ekonomika_5.04.2018.pdf

[25] The Forum programme is available at: https://sslalf.ru/section25-13

as well as at the annual conferences of the teaching staff held at the Saint Petersburg State University of Economics.

The results of the dissertation work are used in the conduct of educational classes in the disciplines "Civil procedure," "Arbitration procedure," and "Jurisdictional ways of protecting civil rights and the procedure for their implementation" at the Department of Civil and Corporate Law of the Saint Petersburg State University of Economics.

Structure of the Dissertation.

The structure of the dissertation is determined by the purpose and objectives of the research. The dissertation consists of an introduction, two chapters comprising six paragraphs, a conclusion, and a list of sources.