

ALENKIN, Igor Vladimirovich

Postgraduate
Department of constitutional and municipal law
Lomonosov Moscow State University Law School

First-aid patches: how to tackle laws on non-governmental associations?

Keywords: Right for association; non-governmental association; non-governmental organization; reform of laws on non-governmental associations

The author raises a number of problems concerning the laws on non-governmental associations and their enforcement practice. The author suggests recommendations on further amendments which would eliminate the existing gaps, adjust the enforcement practice and provide additional guarantees for the development of the "third sector" in Russia.

BEZVERKHOV, Artur Gennadievich

Doctor of legal sciences
Dean of Law Faculty
Korolev National Research University, Samara

ELEKINA, Svetlana Vyacheslavovna

Postgraduate
Department of criminal law and criminology
Faculty of Law
Korolev National Research University, Samara

Abuse of trust in Russian and German law: historical and legal analysis

Keywords: Economic crimes; crimes against property; property offence; malfeasance in office; abuse of authority; abuse of trust

The article gives a historical and legal analysis of the legal construct 'abuse of trust' from the point of the doctrine as well as the legislation of Russia and Germany of XIV-early XX century. The authors established that the construct developed within the German doctrine intends to secure property transactions, whereas in Tsar Russia similar legal norms on abuse of trust appear in XIX — early XX and their scope is confined to ownership and other property interests.

CHUBAKOVA, Alina Andreevna

Postgraduate
Department of civil procedure
Lomonosov Moscow State University Law School

Evidence in administrative cases of supreme Court Disciplinary Board

Keywords: Administrative procedure; evidence; report of board; legal effect of evidence; admissibility of evidence; exclusion of inadmissible evidence; assessment of evidence

The author discusses the types of evidence examined in the course of disciplinary actions brought to the Disciplinary Board of the Supreme Court of Russia. The author outlines their essential characteristics, describes the criteria for assessment of evidence within administrative procedure, and compares the notions of legal effect and admissibility of evidence in civil and administrative procedure.

EM, Artemiy Vladimirovich

Teaching fellow
Department of financial law
Lomonosov Moscow State University Law School

Model set of facts for VAT on electronic services: problems of administration

Keywords: Value added tax; VAT administering; e-commerce; electronic services

In June 2017 the Federal Assembly of the Russian Federation adopted new changes to the Tax Code which introduced value added tax on electronic services provided by foreign companies. According to these changes effective of January 1st, 2017 foreign companies providing internet services will be obligated to pay VAT on all services falling within the scope of law if the companies are registered in Russia. The author believes the mechanism of legal regulation has quite serious deficiencies.

GENTOVT, Olga Igorevna

Postgraduate
Department of business law
Lomonosov Moscow State University Law School

Restriction of rights of minority shareholders as security of interests of majority shareholders in case of squeezeout

Keywords: Joint-stock company; restriction of right; minority shareholder; majority shareholder; sell-out; squeeze-out; corporate control

The article deals with the problem of restriction of corporate rights. Along with the review of the traditional understanding of the construct of "restriction of right" and the analysis of its implications when imposed in case of offense, the author suggests a different view on this notion. In certain cases, restriction of right serves the purpose of ensuring the interests of the lawful parties. Based on the analysis of the law practice the author analyzes the scope of freedom of the parties, that is, whether they are limited in their decision-making.

KACHALOVA, Anna Valerievna

Candidate of legal sciences
Senior lecturer
Department of civil law
Kutafin Moscow State Law University

Freedom of corporate agreement and its limits

Keywords: Corporate agreement; agreement; freedom of contract; discretionary nature; mandatory nature; corporate relations; corporations; business transactions

Currently a corporate agreement regulates the rights and obligations of shareholders and members of corporation. The fact that parties can independently decide on the scope

and content of the agreement plays an important role for a corporation, its members, shareholders, and third parties as well as for business transactions on the whole.

KOLOKOLOVA, Elena Olegovna

Candidate of philosophical sciences
Associate professor
Department of private law
Saransk Institute of cooperation (branch)
Russian University of Cooperation

Under legal age members of Housing Owners Association

Keywords: Under-age; owner; housing owners association; general meeting; rights

The author analyzes the right of under legal age members to participate in management of common facilities in a multi-housing building. The author reviews different views on this issue and analyzes the relevant court practice and suggests changes to the Housing Code of the Russian Federation.

KOTOVA, Svetlana Igorevna

Legal counsel
LLC 'KSK-Export'
Postgraduate applicant
Department of labor law
Lomonosov Moscow State University Law School

Social risks in labor law and preventive legislation on labor and employment spheres

Keywords: Social risks; technological risks; atypical employment; risk forecasting; digital platform employment; labour automation; labor robotics; digital platform; communications; communications system

Modern social risks including technological and economic ones are seen as a new theoretical and practical category in the field of labour law and employment. Such risks substantiate the need for social protection of parties of employment relations and parties to new forms of employment. The author calls for more accurate forecasting of social risks in the sphere of labour law and speaks about the advantages of preventive legislation on labor and employment which purpose is to effectuate the principle of protection from unemployment and promote digital platform employment (it can be considered as a type of long-distance work).

LYASKALO, Alexey Nikolayevich

Candidate of legal sciences

Classification of crimes of trafficking of precious metals and precious gemstones: articles 181 and 192 of Criminal Code of Russia

Keywords: Precious metals; precious gemstones; rough gemstone; refining; state plate-mark

Based on the analysis of the pertinent court practice the author discusses controversial issues related to the classification of breach of rules for production and use of plate-marks as well as breach of rules for selling of precious metals and gemstones.

SEGALOVA, Elena Aleksandrovna

Senior Lecturer
Russian Academy of National Economy and Public Administration

VOVK, Nikita Alexandrovich

Student
Russian Academy of National Economy and Public Administration

Estoppel vs venire contra factum proprium: lost in translation

Keywords: Estoppel; venire contra factum proprium; good-faith

Modern Russian civil law has seen a noticeable effect of legal constructs transplanted from common law system, however, their implementation does not go without difficulties. One of such constructs is estoppel which from the point of law practice inadvertently raises the issue of relation between estoppel and venire contra factum proprium. The article provides a comparative analysis of these two constructs concluding that they should be clearly distinguished.

TOMSINOV, Vladimir Alekseevich

Doctor of legal sciences
Professor
Lomonosov Moscow State University Law School

Andrey Yanuarievich Vyshinsky (1883—1954), statesman and legal scholar. Article fourteen

Keywords: USSR Procurator General; USSR Constitution of 1936; repression; I.V. Stalin; A.Ya. Vyshinsky

The article is devoted A.Ya. Vyshinsky, his professional career, and contribution to the development of jurisprudence. The article dispels political myths about this figure and provides an unbiased analysis of his political career and scholarly works.

ZAIKIN, Dmitry Pavlovich

Postgraduate
Department of civil law
Lomonosov Moscow State University Law School

Sources of inheritance law in Russia

Keywords: Inheritance law; priority of testator's will; doctrine of implied will; autonomy of will

The article discusses the sources and premises of Russian inheritance law. The author draws attention to the priority of testator's will.