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Agency agreement in Islamic law

Keywords: Islamic commercial law; agreement; agency; sale; purchase; agent; principal; unauthorized agency; property; Sharia law; Quran

The paper analyzes agency agreements in Islamic law, including the general overview of this type of agreements, the main types of agency agreements, and elements of its validity.

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Conciliation procedure in modern civil procedure legislation of France and Russia

Keywords: Conciliation procedure; conciliators

The paper discusses the conciliation procedure provided by the French Civil Code. The analysis covers the main features of conciliation procedure; it is further argued that a conciliator should be regarded as a party of the procedure — a person who facilitates the proceeding.

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Legal nature of innovative scientific and technological center

Keywords: Innovative scientific and technological center; special regime territory; institute for innovations development; innovative activity as form of incorporation; business association

The paper analyzes scientific positions on the legal nature of an innovative scientific and technological center. The author concludes that the innovative scientific and technological center has a complex nature with a variety of inherent legal characteristics.

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Evidence management in civil procedure

Keywords: Proof; evidence management; content of evidence; legal effect; impossibility of evidence production; problems of evidence production

Evidence management in civil procedure is an important instrument for collection and conservation of evidence which is likely to perish or disappear. However, there is still no unified legal approach regarding the objectives of this legal institute. The author suggests his own view of the objective of evidence management and the tasks which must be accomplished to achieve such an objective.

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Legal norms on termination of obligations: problems of application

Keywords: Termination of obligations; compensation; set-off; impossibility of performance; novation; debt forgiveness

The paper analyzes the characteristic features of termination of obligations, as well as some theoretical and practical problems of applying specific methods of such termination in light of the latest judicial explanations. The paper draws attention to the fact that termination of obligations applies to the obligations regulated by the dispositive principle as well as those which do not rely on this principle like duty to pay damages, obligations arising from unjustified acquisitions or savings.

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Probabilistic nature of scientific analysis of causation as argument in favor of proportional liability in alternative causation

Keywords: Alternative causation; alternative causal uncertainty; causal uncertainty

The paper evaluates the advances made in natural sciences in respect of concept of causation, its structure and understanding as well as possible influence they may have on the conventional ideas about causation as element of liability in legal sphere. It is argued that it would be impossible to translate the probabilistic nature of modern scientific perception of causation to proportionality of liability determined through evidentiary probability of infliction of harm to the victim by each alternative defendant.

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Issue of preclusion in arbitration

Keywords: Binding court ruling; rule of preclusion; adversarial system; principles of arbitration proceedings; arbitration court; commercial court

The science of legal procedure has maintained, by convention, that the rule of preclusion applies only to commercial, civil, administrative and criminal proceedings and it does not work beyond the jurisdiction of courts. The paper suggests arguments in favor of the opposite legal opinion. In particular, it is argued that the rule of preclusion shapes a relationship between a court ruling and an arbitration decision. The analysis provides examples of cases regarding the effect of rule of preclusion in arbitration proceedings.

PANISHEV, Lev Vladimirovich

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Problems of blanket ban on bankruptcy

Keywords: Bankruptcy ban; penalties (fines); suspension of recovery proceedings
From April 1, 2022 The Russian government has imposed a blanket ban on bankruptcy. The decision, dictated by good intentions to support companies and citizens in a crisis situation, may turn out to be a disaster. It will affect the creditors who will not be able to get cold debts during the next six months. Moreover, this decision prevents the banks and credit organizations from executing court orders and injunctions, leaving these matters solely to the bailiff service.

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Relations between legal entity and director: correlation of corporate and labour legislation

Keywords: Director; chief executive; business entity; joint-stock company; limited liability company; employment agreement; labour relations; corporate relations
The paper discusses the legal nature of relations between a legal entity and its director who is also bound by employment relations with the entity. The author writes about possible improvements of legal regulation of director's activity to achieve the balance between the interests of 'business owners', i.e. the shareholders, and the director.

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Andrey Yanuarievich Vyshinsky (1883—1954), statesman and legal scholar. Article fifty-nine

Keywords: USSR; soviet jurisprudence; general theory of state and law; A.Ya. Vyshinsky; N.N. Polyansky

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses the report made by the USSR Procurator at the panel meeting on the issues and problems of the Soviet science of state and law held in July 1938.

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Notification of pledgor's debtor of pledge of obligational rights (claims): problems and issues

Keywords: Security of obligations; pledge; pledge of obligational rights (claims); notification about pledge of obligational rights (claims)

The paper analyzes the problems which arise when the debtor is notified of the pledge of obligational rights (claims). If the debtor were not notified of the change of the addressee due to the pledge of obligation rights, the execution to the pledgor must be recognized as an appropriate one. The author also proposes as a general rule to introduce two stages of notifying the pledgor's debtor: the first one — notification regarding the pledge; the second one — about changing the addressee of execution.

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New procedure for referral of sentence execution to state where defendant holds citizen status: non-custodial sentences, conditional sentence, suspended sentence

Keywords: Law; Criminal Procedure Code of the Russian Federation; sentence enforcement; imprisonment; suspended sentence; reprieve; convict; Federal Service for Punishment Execution; Commonwealth of Independent States; Eurasian economic Union Treaty; foreign court

The paper analyzes a draft of law on vesting the courts with powers to resolve the issues related to the execution of criminal sentences imposed on foreign citizens, which has recently been introduced to the State Duma of the Russian Federation.

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Theft from bank account: distinguishing continuous theft from set of crimes

Keywords: Theft from bank account; continuous theft; single intent; single source; set of crimes; electronic means of payment; bank card; illegal appropriation of bank card
Based on the analysis of the materials of judicial practice, the author discusses the urgent issue of the need for an independent legal assessment of theft from a bank account, which is carried out using someone else's electronic means of payment obtained in the course of theft of other property (for example, a wallet with cash). The contradictory assessment of such situations is mostly due to confusion around the features of continuous theft. Another problem is related to wide-ranging positions on the legal nature of electronic means of payment.