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Debt discharge in bankruptcy proceedings: analysis of certain aspects

Key words Individual bankruptcy; consequences of individual bankruptcy; debt discharge in bankruptcy; recent court practice

The article analyzes legal issues related to debt discharge in personal bankruptcy. The author gives an overview of recent court practice.

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Criminal responsibility for knowingly false denunciation

Key words Knowingly false denouncement; evidence; crime; report; grounds for criminal proceedings

The author discusses knowingly false denunciation and the respective provision of criminal law (Art.306 of the RF Criminal Code). The author draws the conclusions on the analysis of court cases dealing with knowingly false denunciations.

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Trade theory of law

Key words Concept of law; law essence; origin of law; social purposes of law; legal regulation

The article is an attempt to prove that at the heart of law lie such concepts as trade, market, exchange and distribution. It means that law is a kind of a price list which comprises, on the one hand, the supply of 'goods' (including legal capabilities and opportunities) formed by the law-maker and offered to legal parties at a certain 'fee' of free of charge; on the other hand, it is also about the demand on 'goods' offered by legal parties at an indicated 'fee'. Such perspective on the essence of law leads the author to unconventional conclusions from the point of Russian law science.

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New provisions of criminal procedure legislation of former Soviet countries: introduction of covert investigative activities

Key words Criminal procedure; operative investigative activity; investigative actions; operative search actions; covert investigative actions; evidence; proof

This article reviews one of the latest amendments to the criminal procedure, namely, the introduction of special covert investigative actions. The author analyzes the key provisions describing this institute based on the analysis of the respective regulatory acts adopted in a number of former Soviet countries. The article provides the classification of investigative actions and the procedure of admitting the results thereof as evidence. The fact that in many countries, which adopted this institute, investigative actions are subject to special regulation proves that such reform of criminal procedure has not been completed and calls for further analysis and refinement.

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Constitutional implications of abortion prohibition in Russia: problems and prospects

Key words Prohibition of abortion; constitutional principles; somatic rights; protection of fundamental rights of person; protection of privacy; right to dignity; reproductive rights of women

The article considers those constitutional and legal restrictions that should be kept in mind when proposing a change in the legal regulation of artificial termination of pregnancy. In particular, the proposed change concerns the blank prohibition of abortion and the suggestion that the state will cover only the costs of the abortions on medical grounds. The author argues that the prohibition of abortion as a "simple" solution will not help to protect such constitutional values as the family, motherhood, fatherhood, and childhood, which is why it is necessary to take a more consistent approach to tackle the legal issues surrounding abortions.

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Condition precedent in English law

Key words Condition precedent in English law; potestative condition

In the present article the author compares the legal regulation of condition precedent in English law and that of potestative conditions as provided by Russian Civil Code. Under the RF Civil Code the parties are allowed to include potestative conditions into their agreements. In particular, the article outlines the main types of condition precedent in English law as well as criteria set out for such conditions in common law and statutory framework.

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Evolution of principle of independence and separateness of companies in English law

Key words Independence and separateness of company; English law; piercing of corporate veil; protection of creditors' rights; rights and interests of creditors

The article analyzes the evolution of the principle of independence and separateness of companies in English law. The author discusses the effect this principle has had on the protection of rights and interests of company's creditors and analyzes the practice of piercing of corporate veil in the UK. The author concludes that the modern mechanism of protection of rights and interests of the creditors of companies in the UK is based on the balance between case law and statute law.

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Leader of criminal hierarchy: criminal law, its interpretation and application

Key words Organized crime; leader of criminal hierarchy; mob boss; criminal charge; p.4 art.210 RF Criminal Code; classification of criminal groups; units of criminal groups

The article analyzes a provision of criminal law which sets forth criminal responsibility for organized crime committed by the leader of a criminal group (part 4 article 210 RF Criminal Code), in particular, some results of the law enforcement practice and mass media materials. The author also gives a critical analysis of the commentary issued by the Plenum of the Supreme Court of the Russian Federation on the subject and suggests his view as to interpretation of the provision in question.

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Fiduciary duty of members of corporation: common law and German law

Key words Fiduciary duty; corporation; members of corporation; common law; German law

Should members of a corporation comply with the same requirements and standards as the managers of corporation do? In particular, this refers to fiduciary duty. By answering positively to this question the author supports her view with a review of practice in common law countries (England and USA) as well as practice of continental law (Germany). The author looks closely at the practical side of fiduciary duty: conditions and requirements which give rise to fiduciary duty; the scope of persons subject to fiduciary duty (majority shareholders, minority shareholders); consequences of breach of fiduciary duty.

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

Key words USSR; Prosecution Service; A.Ya. Vyshinsky; revolutionary legality
The article is devoted to 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.

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Donation agreement and its practical implications

Key words Donation agreement; aims of donation; anonymity of donation; legal rights
Based on the analysis of legal practice the author provides an overview of possible forms of donations, analyzes the criteria of anonymity and targeted use of those donations as well as rights arising from the execution of such agreements.

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Criminal law as safeguard of religious feelings

Key words Insult; religious feelings; freedom of conscience; freedom of religion; freedom of speech

2013 saw the new version of the article 148 of the RF Criminal Code which provoked a strong public reaction due to broadening of the scope of criminal responsibility for insulting of religious feelings. The author considers specific elements of the criminal offense and related legal problems arising in the law practice.