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BEREGOVSKIY, Mikhail Sergeevich

Postgraduate
Department of commercial procedure
Saratov Law Academy

Certain problems of introducing simplified forms of court procedure and resolution of civil cases: analysis of Russian practice

Keywords: Summary proceedings; limitations period

The author proves that in the course of improving procedural norms on simplified forms of court procedure it is important to consider the rules of civil law rules on limitations period.

BURTSEV, Ilya Olegovich

Postgraduate
Department of civil law and procedure
Voronezh State University Faculty of Law

Standards of proof and problems of fact finding

Keywords: Standard of proof; balance of probabilities; commercial procedure; principle of objective truth; conclusion of fact; theory of formal truth

The article evaluates the views of civil law scholars and the provisions of arbitrazh procedure legislation regarding fact finding functions of courts. The author argues Russian legal framework provides for application of standards of proof given that the principle of objective truth is enshrined in the Commercial Procedure Code of the Russian Federation.

GLUZDAK, Gleb Nikolaevich

Student
Saint-Petersburg Institute Law (branch) of Russian Federation University
of Public Prosecution

Failure of communications provider to perform its legal obligations: issues of qualification under Art. 13.2.1 of Administrative Procedure Code

Keywords: Change of number; communications provider; provision of services; non-fulfillment of obligations; administrative liability; problems of qualification

The author of the article expects that scam calls from temporary phone numbers will become much less common. This will be possible as long as communications providers duly perform their legal obligations. In the article the author discusses the issues of qualification of wrongdoings under the Art. 13.2.1 of the Administrative Procedure Code of the Russian Federation.

GOROBYI, Alexandr Olegovich

Postgraduate
Department of civil procedure
Lomonosov Moscow State University Law School

Revision procedure in civil procedure of Germany: formation and development

Keywords: Revision procedure; revision appeal; cassation; legality; uniformity of judicial practice; highest court; legal remedy

The article discusses the revision procedure in German civil procedure, i.e. the premises and conditions which led to the formation of the institution of revision as kind of legal remedy distinct from the institution of cassation in France. The author also raises the issue of uniformity of judicial practice which has been set forth as the major task of the highest court in Germany.

IVANOV, Oleg Sergeevich

Postgraduate
Department of civil procedure
Lomonosov Moscow State University Law School

Disclosure and aggregation of evidence in civil procedure: comparative legal analysis

Keywords: Aggregation in civil procedure; disclosure of evidence; adversarial proceedings in civil procedure; civil procedure of foreign countries

The article presents a comparative legal analysis of the institution of disclosure and aggregation of evidence in English and Austrian-German civil procedure. The author discusses the difficulties encountered by German courts and practitioners when trying to introduce certain elements of evidence disclosure.

KOZHUKHOVA, Angelina Sergeevna

Postgraduate
Southern Federal University

Exclusive territorial jurisdiction: old grounds and new problems

Keywords: Exclusive jurisdiction; jurisdiction according to property location; recognizing transaction void; lien

The article discusses the application of rules on exclusive jurisdiction according to the principle of property location. The author analyzes the problems that arise when these rules are applied by courts. The author, in particular, outlines the cases in which disputes are to be brought in the jurisdiction of property location given the remedy chosen by the plaintiff.

LOGINOVA, Diana Andreevna

Postgraduate
Department of civil procedure
Lomonosov Moscow State University Law School

Cooperation of court and parties in process of proof in civil cases

Keywords: Cooperation of court and parties; proof in civil procedure; court discretion and management; cooperation in process of proof

The process of proof in civil proceedings places a special emphasis on the process of cooperation between the parties. Such process is initiated through the mechanism of cooperation. The author discusses how courts and parties approach the implementation of the said mechanism, drawing on the analysis of pertinent organizational and procedural requirements as well as applicable legislation and judicial practice.

LUKASHIN, Alexandr Alexandrovich

Postgraduate
Department of civil and administrative procedure
O.E. Kutafin Moscow State Law University

Extra-procedural expert report in civil and administrative procedure: written evidence or specific type of evidence

Keywords: Procedural form of evidence; court evidence; means of proof; written evidence; expert opinion; extra-procedural expert examination

The use of the results of extra-procedural expert examination in the process of proof in civil and administrative cases poses the task of determining the place of such documents in the system of evidence. The analysis presented in the article aims to determine whether extra-procedural expert reports can be qualified and admitted as written evidence in civil and administrative proceedings and provides justification for such qualification.

MKHITARYAN, Anna Gagikovna

Senior specialist
Centre of private law
Institute of legislation and comparative law under the Government
of the Russian Federation

Newly discovered evidence as grounds for case review on newly discovered facts

Keywords: Civil procedure; commercial procedure; review; newly discovered facts; new evidence

The author argues that new evidence cannot give rise to the review of judicial acts based on newly discovered circumstances. Adjusting any mechanism for the purposes beyond the established scope is possible only in cases where one seeks to avoid a formal approach to the application of the legal rules if other ways of achieving objectives of justice are unavailable.

RAPYAN, Yurii Khachaturovich

Postgraduate
Department of civil procedure and labor law
Belarus State University

Effect of principle of adversarial proceedings and principle of establishment of truth in public law cases in Republic of Belarus

Keywords: Principle of adversarial proceedings; principle of establishment of truth; proof; public and administrative law cases; draft code of civil procedure

The article examines the effect of the principles of adversarial proceedings and the establishment of truth in proceedings involving administrative and other public relations, in the context of the provisions of the draft Code of Civil Procedure of the Republic of Belarus and applicable procedural codes. Based on the analysis of works of Belarusian and Russian scholars, the author concludes that the principle of establishing the truth is inherent in cases of the analyzed type of proceedings due to the nature of judicial activity in general, as well as the activity of the court in public law cases.

SILCHENKO, Vladislav Yurievich

Postgraduate
Department of civil procedure
V.F. Yakovlev Ural State Law University

Presumption of inducing bankruptcy in cases of vicarious liability: main characteristics

Keywords: Bankruptcy; vicarious liability; presumptions; inducing bankruptcy

The author argues that in order to apply the presumption of inducing bankruptcy in vicarious liability claims, it is necessary to determine the conditions of liability of controlling persons for civil offenses which constitute the core elements of such a presumption.

SMOLENSKIY, Igor Nikolaevich

PhD candidate
Department of environmental, labor and civil law
Kazan (Privolzhskiy) Federal University Faculty of Law

Current trends in development of individual bankruptcy

Keywords: Bankruptcy of individuals; history; current state of things; law enforcement; debtor; insolvent party

Based on the analysis of the history of bankruptcy legislation, the author concludes that the institution of individual bankruptcy is the predecessor of the institution of bankruptcy of legal entities. This conclusion helps outline the core elements of the institution in question and its development trends emerging due to the revival of individual bankruptcy in modern Russian law. Specifically, these trends include simplification of procedures and dynamism of legislation and law enforcement practice, they are analyzed in the context of assessing the risks of their implementation.

TOMSIKOV, Vladimir Alekseevich

Doctor of legal sciences
Full professor
Lomonosov Moscow State University Law School

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

Keywords: USSR; Soviet legal science; theory of court evidence; A.Ya. Vyshinsky; M.S. Strogovich

The paper continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses the main scholarly work of A.Ya. Vyshinsky — the book 'Theory of court evidence' — which was named an 'all time classic' by one of the most prominent Soviet specialists in criminal procedure M.S. Strogovich.

ZHUK, Oleg Dmitrievich

Doctor of legal sciences
Full professor
Director of Scientific and Educational Center for Combating Organized Crime and Corruption

Lomonosov Moscow State University Law School
Russian Academy of Natural Sciences
Academician

Honorary worker of Public Prosecution Office of the Russian Federation

On improvement of mechanisms of participation of notaries in system of combatting (legalization) laundering of criminal proceeds and financing of terrorism

Keywords: Notary; anti-corruption; laundering of criminal proceeds; prosecution; law enforcement bodies; financing of terrorism; illegal financial operations; Rosinformonitoring

The article is devoted to the topic of improving legislation on combating the legalization (laundering) of criminal proceeds and the financing of terrorism, in particular, it discusses the role of notaries in solving this problem.

ZHUKOVA, Olesya Vitalievna

Candidate of legal sciences
Associate professor
Doctor Juris candidate
Department of judicial power and law enforcement

Tver State University

Judicial oversight of implementation of right of minors to information

Keywords: Minor; right to information; judicial oversight; administrative procedure

The article analyzes the provisions of law protecting children from information which causes harm to their health and (or) their development, as well as the relevant court procedure to determine that information published in the Internet represents information which dissemination is prohibited on the territory of the Russian Federation.