

Index

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Contract negotiations and contract formation process

Keywords: Negotiations; contract formation; bad-faith conduct; pre-contractual communication; warranties and representations

Recent incorporation of the article 434.1 "Contract negotiations" into the Russian Civil Procedure Code has provoked intense discussions as to whether it is necessary to subject pre-contractual communication between the parties to legal regulation. The article analyzes the implications which may ensue the enforcement of the article in question.

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Implications of contract termination and reform of Russian law of obligations: court practice trends

Keywords: Contract; termination of contract; theory of transformation; unjust enrichment; termination of obligations

Carrying out the reform of law of obligations the legislators changed the approach towards termination of obligations. In particular, the new norms provide for the obligations arising from the cases of unjust enrichment. However, previously the courts would draw on the theory of transformation of obligations. The author analyzes the correlation between the two approaches and their further development within modern court practice.

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Countering suicide bombers: international legal issues

Keywords: Suicide bombers; international criminal law; terrorist bombings, criminal suicide; general prevention; Global Counterterrorism Forum

The article delves into the issues of international legal regulation of combatting suicide terrorism which represents quite an acute problem of nowadays. A suicide bomber resorts to the act of self-annihilation as a means to accomplish a special criminal intent (dolus specialis) as well as to fulfill the purpose of spreading terror or coercing authorities or certain organizations into their demands. The author argues that counterterrorism efforts against suicide terrorism will be effective as long as general policies for prevention of terrorism are well established and carried out, for special-purpose prevention is implausible owing to the physical loss of the perpetrator.

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Legal status of beneficiary

Keywords: Testamentary trust; will; beneficiary; legal succession; inheriting business; estate planning

The new norms regarding testamentary trusts were adopted in September 2018. This construct is indeed new to Russian law as it provides for a beneficiary of the trust whose right can be classified as personal property right stemming from legal succession.

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The precariat as party of labour relations

Keywords: Employment; wages; self-employed citizens; the precariat

The modern legislator treats the precariat in an ambiguous manner. Clearly, it has been taking interest in regulating the labour relations involving the precariat, however, certain categories of specific labour market groups seem to have fallen into notable dis-favour. By so doing the legislator enables and facilitates the growth of the precariat.

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Principle of good faith and auxiliary obligations in German private law

Keywords: Good faith; auxiliary obligations; obligation to inform; German law

In many respects German law sets standards of modern legal thought. Not surprisingly the principle of good faith in Russian law has its origin in the provisions of German Civil Code. However, since the reception of this construct Russian legal doctrine has yet to go deeper in the understanding of the content of the concept. To achieve this end, the author believes it would be more beneficial to study the foreign practice of regulating respective constructs of civil law than to wait till pertinent Russian court practice builds up.

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Disciplinary responsibility of rail transport workers

Keywords: Disciplinary responsibility; rail transport workers; article 189 of RF Labour Code; labour discipline provision; court practice

Based on the analysis of the norms of the Russian Federation Labour Code, pertinent regulations and court practice the author discusses the issues related to disciplinary responsibility of rail transport workers. The author, in particular, stresses the need for further improvement of the legal regulation of this construct.

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Free evaluation of evidence or standards of proof: Russian and English civil procedure

Keywords: Evaluation of evidence; standards of proof; inner conviction of judge

The article deals with Russian and English law of evidence within civil procedure. The author draws a comparison between the Russian concept of inner conviction and English and American standards of proof. It is concluded that implantation of respective foreign legal concepts seems implausible for Russian law.

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Legal Tech: to trust, to fear or to get involved?

Keywords: Legal Tech; legal technologies; business of law; automatization of legal work; information and data processing

The author analyzes the phenomenon of Legal Tech and explains its essential role in the modern business of law. Speaking of the history and development of the phenomenon the author points to the importance of Legal Tech for the business of law.

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Modern trends in development of principles of civil procedure

Keywords: Justice; principles; suspending and limiting effect of principles; guarantees for realization; operative part of judgement

The author analyzes certain legislative decisions concerning the principles of civil procedure law. It is concluded that nowadays the legislator tends to limit the scope of the principles inherent to this branch of law and to bring down the commitment to effectuating those principles. The same is the case with constitutional principles which causes concern for the constitutional foundation of law and justice.

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Limiting legal effect of closed adoption

Keywords: Closed adoption; open adoption; Decade for childhood; infant; adult adoptees; adopters; biological parents

The classic construct of closed adoption is undergoing changes brought on, among other things, by the rulings of the Russian Federation Constitutional Court and the Russian Federation Supreme Court. The Decree of the President of the Russian Federation referred to open adoption as one of the ways of developing family law. Though the Russian Federation Family Code has not been amended yet, the laws provide for certain circumstances which entitle underage adoptees to get access to the adoption records and information about their birth parents.

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

Keywords: A.Ya. Vyshinsky; I.V. Stalin; L.D. Trotskiy; case of anti-Soviet Trotskyist Center

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.