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THE RIGHT OF OWNERSHIP AND THE RESTRICTED REAL RIGHTS

Keywords: real rights, restricted real rights, the right of ownership, possession, use, disposal.

The author continues hereby the series of publications, dealing with the concept of real rights. In the present article he analyses the traditionally accentuated features of the right of ownership and of the restricted real rights. These features are compared against those typical of the canon definitions of the given concepts. And the result proves to be a real surprise...

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POSITIONS OF THE EUROPEAN COURT ON HUMAN RIGHTS ON THE ISSUE OF TRYING CRIMINAL CASES IN ABSENTIO

Keywords: examination of criminal cases in absentio, European Court on Human Rights, comparative analysis, trial in absentio; Committee of Ministers of the European Council, criminal proceedings of foreign countries; criminal-procedure law of the Netherlands; criminal-procedure law of France.

In the article are analysed the European Court's decisions, touching upon the issues of trying a criminal case in the absence of the defendant, as well as the position it occupies on the in absentio investigation of criminal cases in the national legislation of such countries as Holland, France and Belgium. The position, occupied on the issues of examining criminal cases in absentio by the Committee of Ministers of the European Council, is also elucidated.

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REFUSAL FROM THE DEBTOR'S CONTRACTS AS THE EXTERNAL MANAGER'S SPECIFIC DEAL

Keywords: external management, right to declare the refusal from a contract, terms for the actuality of the refusal from a contract, concept of the state of the deal's performance.

Declaration of the refusal to make certain deals is an element of the external manager's deals capacity, which may serve to restore the debtor's solvency. What are the terms for the actuality of such refusal? Does the state of the deal's performance influence the legitimacy of the external manager's refusal? What are the consequences of the external manager's refusal to make a deal?

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SENTENCE AND ITS CHARACTERISTICS IN THE CRIMINAL-PROCEDURE CODE OF THE RUSSIAN FEDERATION

Keywords: sentence, legitimacy of the sentence, substantiation of the sentence, impartiality of the sentence.

The sentence differs from the other procedural acts not only in that it is listened to by all participants in the proceedings while standing. This is a key procedural act, summing up the entire proceedings on a criminal case. Despite a considerable volume of literature, dedicated to the sentence, still a lot of problems remain. In the present article the entire range of issues, connected with the sentence, are put under a complex analysis.

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PENSION ACCUMULATIONS — WHOSE PROPERTY ARE THEY?

Keywords: pension accumulations, ownership, obligatory pension insurance, state treasury, investment.

Contemporary pension legislation is very complicated and contains many contradictions and gaps. One of the most urgent problems is involved in the right of ownership to pension accumulations. Whose property are these pension accumulations — of the insured person, of the Pension Fund of the Russian Federation, of the state, or of the Non-Government Pension Fund?

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ON THE JUDICIAL EXPERTISE WITH RESPECT TO WITNESSES

Keywords: witnesses, authenticity of testimonial evidence; psycho-physiological expertise.

In this article are analysed the problems, involved in the legitimacy of conducting judicial expert examinations of witnesses, in particular the psycho-physiological expertise with the use of the polygraph (the lie-detector).

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EMPHYTHEVTIC LAW: THE GENESIS AND DEVELOPMENT PROSPECTS IN CONTEMPORARY RUSSIA

Keywords: civil law, property relations, real right, emphythevis, superficies, right to the inherited life possession, census right.

Efficiency in the use of land for agricultural production is the question of particular significance for Russia today. What kind of real right to land plots may assist in resolving it? Turning back to the ancient Roman construction of emphythevis, the authors see it as usable in the renewed civil legislation.

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TEMPORARY TERMINATION OF THE DEALS CAPACITY OF THE DEBTOR — A LEGAL ENTITY IN THE FRAMEWORK OF EXTERNAL MANAGEMENT

Keywords: bankruptcy, person before the law, external manager, deals.

What is the relationship between the categories of legal capacity, deals capacity and delict capacity in the context of the norms of competitive law? Can the deals capacity of a debtor, with respect of whom the external management is instituted, be stopped? What is the status of an arbitration manager, who assumes upon himself the functions of the manager of the debtor?

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DEVELOPMENT OF RUSSIAN JURISPRUDENCE IN THE SECOND THIRD OF THE 19TH CENTURY

Keywords: history of Russian jurisprudence, formation of the science of civil law in Russia, elaboration of the system of civil law, categories of ownership and of possession.

The article deals with the formation of the science of civil law in Russia in the second third of the 19th century. The interpretations of the term, «civil law», and of the main categories of this science by Russian jurists of that time are considered, as well as the system for rendering material in the educational courses of civil law they applied. Particular attention is paid to the scientific creativity of such civil jurists as F.L. Moroshkin, A.I. Kranichfeld and D.I. Meyer.

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ON THE TERMS FOR RELIEF OF THE VALUE ADDED TAX ON REALIZATION OF COMPUTER PROGRAMS

Keywords: value added tax, copyright, computer programs, license agreement, delivery contract, purchase and sale contract.

Since the adoption of the Part four of the Civil Code of the Russian Federation, the regulation of software turnover often presents difficulty in practice especially as concerns the taxation of transactions involved in realizing computer programs. The author of the article terms to the Civil law nature of relations and contractual schemes for the realization of software products. How shall one compile a contract to be granted right to use computer programs without paying the value added tax and to relieve the given transactions from this tax? — For such contract is not just a license agreement.