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Classification of misappropriation subject to agreement

Key words Criminal offense; civil offense; civil wrong; property conveyed subject to contract; responsibility for misappropriation

The author analyzes the situations in which default of contractual obligations can be classified as misappropriation and whether establishing of the intent in the default of obligations would suffice to do so. Further the analysis focuses on the circumstances under which the responsibility for misappropriation under criminal law is imposed. Providing the examples from law enforcement practice the author discusses the criteria for the classification of misappropriation in cases where property is conveyed subject to an agreement.

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Vertical restraints in US antitrust law

Key words Vertical restraints; exclusive dealing; tying; resale price maintenance; foreclosure; minimum viable scale

The author of this paper provides a review of the US rules on vertical restraints, i.e. legislation provisions and courts decisions.

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Principle of criminal justice and development of criminal legislation

Key words Principle of justice; norm of criminal law; sanction; court discretion

In many sentencing provisions of the Russian Criminal Code there is, on the one hand, a huge gap between the minimum and maximum sentences, on the other, they do not provide the lower range of sentencing at all. The author believes this situation calls for change as any legal state should try to minimize the extent of court discretion. The author suggests her view on possible changes to the effective legislation.

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Administrative responsibility for inaccuracies in budgetary reporting

Key words Budgetary reporting; financial statements; proposed budget; budget execution; consolidated statements; reporting inaccuracies

On June 18th 2017 new changes to the Code on Administrative Penalties of the Russian Federation took effect. The changes concerned administrative responsibility for the errors and inaccuracies made in the process of formation and submission of data required for budget formation, its presentation and execution. However nowadays no legal act spells out the concept and criteria for permissible deviation from the reporting rules and inaccuracy pointers. The author attempted to analyze relevant law enforcement practice to identify the criteria of reporting misstatements and define the party at fault by the new elements of such offense.

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Challenging acts of state agencies: procedural issues

Key words State agencies; legal act; contesting; remedies

The author discusses the issues arising within the proceedings for contesting legal acts adopted by state agencies and shares his view on possible beneficial changes of the effective legislation.

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Inheritance per stirpes: benefits of French practice

Key words Legal succession; inheritance per stirpes; disclaimer of interest

The article analyzes the construct of inheriting per stirpes under the French Civil Code, in particular, its amendments enacted in 2001 and 2006. The author concludes that the French practice will prove useful in the process of development of Russian legislation and suggests that parents should be allowed to disclaim their interest in favor of their children – potential legatees to benefit from inheritance per stirpes.

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Related intellectual property rights

Key words Copyright; related rights; works protected by related rights; exclusive right to performance; split audio track; exclusive right to broadcast; exclusive right to radiocast; exclusive right of database maker; exclusive right of publisher; concept of related rights; term of related rights

The author discusses the problems arising from practical application of provisions of chapter 71 of the RF Civil Code "Related rights in copyright law". The author gives an overview of current tendencies and patterns in the treatment of exclusive rights of performer and producer of split track audio, that of cablecasting and live broadcasting organizations, database maker and publisher of science works, literary works and art works. The author points out that the legislator has shifted the focus from the results of intellectual property to the process of intellectual work notwithstanding the work per se.

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Principle of international comity as way of avoiding parallel proceedings

Key words Parallel proceedings; principle of international comity; international civil procedure; international jurisdiction; international

The issue of parallel proceedings manifests itself in situations where dispute resolution lies within the jurisdiction of two or more authorities in different countries. The author suggests the principle of comity can apply at the stage of recognition and enforcement of foreign judgments (which has usually been the case) as well as other stages like suspension of proceedings.

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

Key words USSR; Public Prosecution; court; A.Ya. Vyshinsky
The article is devoted 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.

VASENIN, Vladimir Alexandrovich

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Anticorruption law enforcement in context of sole source procurement: questions of prosecutorial oversight

Key words State and municipal procurement; sole source procurement; corruption; prosecutorial oversight

The article presents a brief overview of the legality of state and municipal procurement from sole source within the framework of the legislation on contract system of procurement. The author points at the considerable potential for corruption which is likely to develop with sole source procurement owing to non-competitive conditions and flaws of the legislation. The author supports his conclusions with examples from recent court practice.

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Participation of injured party in criminal prosecution (Article 22 of RF Criminal Procedure Code)

Key words Criminal procedure; injured party; criminal prosecution; equality of parties; adversarial process; compensation; dropping of charges

The author analyzes the activity of the injured party within criminal prosecution and specifically in situations when the injured party represent their interests individually. The author analyzes the law provisions which determine the legal status of the injured party and the range of available legal options to perform the function of prosecution. The author discusses the right of the injured party to formulate, express and defend their position on the case with regard to both factual and legal side of the case including the cases where the prosecution drops the charge.

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Criminal responsibility of minors depending on age subject to Ordinance of 1945 on Juvenile Offenders

Key words Criminal law; Ordinance on Juvenile Offenders; criminal responsibility; age groups; minors; measures of protection; educational measures; punishment

French legislation distinguishes four groups of minors depending on their age. The author analyzes the measures imposed on minors subject to the provisions of the Ordinance on Juvenile Offenders #45-174 as of the 2nd of February 1945 and focuses on the measures of protection and other effective provisions of French legislation.