Electronic evidence in civil procedure

The article deals with civil proceedings issues, in particular, those related to the use of electronic evidence and its specifics. The author discusses various positions of scholars concerning the legal nature of such evidence. The author concludes that the use of electronic evidence is associated with unconventional methods of collection and storage and is contingent on the technical level of the technical means. On the other hand, the use of electronic evidence is becoming more commonplace and such form is subject to procedural laws which provide for a field system of proof.

Key words: Electronic evidence; electronic document; information from the Internet; e-mail messages; traditional and non-traditional evidence; collecting and storing of information.

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Bylaws and their role in insolvency

The article provides a comprehensive analysis of bylaws as one of the specific sources of legal regulation of insolvency. The article analyzes the properties and legal nature of bylaws, as well as the legal nature of the administration process.

Key words: Insolvency (bankruptcy); source of legal regulation; bylaws; administration

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Contractual obligations under admiralty law: time-charter and charter

The objective of the article is to determine whether the doctrine, legislation and court practice have developed sufficient criteria for drawing the distinction between the obligations under charter and time-charter. The author also discusses the scope of authority exercised by administrative bodies when reclassifying the contractual rights and obligations of the parties. The article discusses the problems related to the legal framework underlying the enforcement of rights of chartering parties and giving clear cut definition of obligations in case of shipping and lease of vessels in admiralty law.

Key words: Charter; shipping agreement; obligations under admiralty law

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Fiduciary duty of participators under Russian law

The article discusses the issue of “fiduciary duty” which applies to the participators under Russian law. Having analyzed the recent amendments in the sphere of Russian corporate law, court practice and the legal doctrine the author concludes that Russian law permits to apply fiduciary duty to participators by analogy with fiduciary duty as applied to the directors and other managers of a corporation. The article gives insight into the issues including conditions giving rise to fiduciary duty, the scope of such duty (extends to both minority and majority shareholders), parties subject to such duty, implications of the breach of such duty.

Key words: Fiduciary duty; corporation; participator; Russian law

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Doctrine of proportionality: main provisions and its role in implementation and protection of personal rights

The article is devoted to the issue of whether the doctrine of proportionality is applicable with regard to personal rights protection. The author provides a brief review of the formation and development of the doctrine of proportionality in domestic and foreign jurisprudence. Particular attention is paid to the correlation between constitutional and civil law where it concerns implementation and protection of personal rights.

Key words: Proportionality; legal rights; personal rights; protection of rights

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