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Main trends of forensic science

The author describes and analyzes the main trends in modern forensic science. The author outlines its main directions in terms of law enforcement practice.

Key words

Forensic science; streamlining of law enforcement

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Vertical restraints under EU competition law

The author provides an account of the European rules on vertical agreements, i.e. Regulation 330/2010 and its concomitant Guidelines on Vertical restraints.

Key words

Vertical restraints, exclusive contractual relationships, safe harbor doctrine, resale price maintenance, market sharing, block exemption

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Disciplinary action of public officers for use of Telegram Messenger

The decision of Tagansky raion court of Moscow as of April 13th, 2018 # 02-1779/2018 restricted the access to Telegram Messenger on the territory of the Russian Federation. The author discusses disciplinary action to which public officers can be subjected in case they attempt to circumvent such restrictions.

Key words

Public service; Telegram Messenger; disciplinary action of public officers

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Judicial oversight of executive branch of law

Recent years have seen the strengthening of judicial oversight over the executive branch. This oversight measure has drawn attention of many scholars. The paper dwells on the features, nature and objectives of judicial oversight. The author also comments on some of the definitions of judicial oversight common for scholarly works and puts forward recommendations with regard to further development and elaboration of judicial oversight and certain provisions of the Code of administrative procedure of the Russian Federation.

Key words

Lawfulness; rights and interests of citizens; executive bodies; officials; judicial oversight; decisions; acts (omissions) of executive bodies; acts (omissions) of officials; provisional remedies; special court ruling; court decision

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Computer fraud

The author discusses the problems of classifying computer fraud basing the research on the analysis of certain criminal cases brought under the Article 159.6 of the Russian Federation Criminal Code.

Key words

Computer fraud; cyber fraud

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Termination of insurance contract by debtor: changes in court practice

Signing an insurance agreement entails more expensive borrowing which is why many citizens perceive this service as an act of solicitation and later they may file a suit claiming contract termination and recovery of the premium. However, after the Bank of Russia set forth its requirements for the insurance agreements the court practice has changed considerably.

Key words

Life insurance; consumer credit; prepayment; borrower

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Administrative offences pertaining to tax administration: elements of offence and their determination

The author analyzes the classification of elements of administrative offenses related to tax administration and gives a critical review of the existing legal regulation. The author emphasizes its unsystematic and casuist character, and outlines numerous gaps and loopholes. The author suggests a new approach to classification of elements of administrative offences related to tax offenses, and contends this approach will allow to eliminate the existing problems in the legal regulation of administrative responsibility and provide the relevant framework for the legislation on administrative offences.

Key words

Administrative enforcement; administrative responsibility; enforcement measures for tax violation; liability for tax offenses; administrative offense; administrative penalties; tax penalties; elements of tax offense

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Open government: theory and practice of Russian law

The article expounds on the complex notion of open government in the context of Russian legal science. The most important aspects of this notion include pluralism, constitutional right of citizens to access government information as well as management techniques pertaining to open government. All these aspects have found various forms within the existing legal framework. Yet these aspects of legal regulation can achieve their objectives only on condition that all the guarantees of open government are enforced.

Key words

Open government; open society; access to information; open authorities

STEFANISHINA, Svetlana Vladimirovna

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Concept of 'third party' from perspective of civil and bankruptcy law

The article focuses on the problems arising from the interpretation of the concept of 'third party' within the framework of civil and bankruptcy law. The author analyzes the features of the concept which are specific for different stages of an obligation (occurrence, development, termination). The author outlines the main approaches to the understanding of the notion of 'third parties' within Russian legal doctrine and analyzes their weak points. The legal analysis pinpoints the key controversies in the rights of third parties (based on the court practice of the Russian Federation Supreme Court, and Commercial courts of the Russian Federation). The author suggests some methodological solutions.

Key words

Civil law; bankruptcy law; concept; definition; third parties; participation of third parties

TOMSINOV, VLADIMIR ALEKSEEVICH

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

Article eleven

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.

Keywords

USSR Procurator General; USSR Constitution of 1936; repression; I.V.Stalin; A.Ya. Vyshinsky

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Proportionality in the mechanism of personal rights protection

One of the main problems considered in the article is the possibility of finding balance in the "conflict", collision between personal rights and property rights. The author consistently puts across the idea of priority of personal rights protection. To this end the author demonstrates the effect of proportionality algorithm using the example of a particular case. In addition, the analysis of practice of the European Court of Human Rights and the Constitutional Court of the Russian Federation leads to the conclusion that the proportionality doctrine has a great potential in terms of personal rights protection.

Key words

Proportionality; personal rights; property rights; proportionality algorithm for dispute resolution

ZAYKOV, Denis Evgenievich

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Claiming on behalf of other people

The author's analysis of legal regulation and court practice have revealed a number of problems and lack of a single approach for their resolution. Such situation diminishes the access to courts and the role of the court representation.

Key words

Court claim; plaintiff; prosecutor; renunciation of a claim; settlement