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Engineering agreement: correlation with other contractual structures

Keywords: Contract of work and labour; contract for design and survey works; construction (building) contract; contracts for the performance of research and development and technological works; creative work; capital construction

The article determines the constituent elements of engineering agreement based on its comparison with other types of contracts. The author states that constituent elements of engineering agreement are the following: specific result of its performance (documentation); its design as an obligation to achieve a result; its close affinity with the construction sphere.

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Challenging unequal transactions in bankruptcy: comparative analysis of English and Russian legislation

Keywords: Unequal transactions; challenging transactions; insolvency; bankruptcy; bankruptcy proceedings

The article focuses on the consequences of entering into transactions consequently recognized as unequal, as well as analyses the grounds for their challenging within bankruptcy proceedings. The author proposes to supplement the Russian Bankruptcy Law with some approaches elaborated within English legal tradition.

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Discrepancy between the permitted use of a land plot and the purposes of its use specified in application for its provision as a basis for refusal to privatize

Keywords: Land; land plot; privatization; permitted use; purpose of land plot use; urban planning regulations; land use and development rules

In this paper, the author analyses the legal provisions and the position of the Russian Supreme Court related to privatization of land plots. Based on such an analysis, the author justifies when a refusal to privatize a land plot shall be considered unlawful. In particular, a refusal to privatize should be recognized as illegal if it occurs due to the discrepancy between the permitted use of a land plot, as specified in the Unified State Register of Immovable Property, and the urban planning regulations of the territorial zone where the plot is located.

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On abuse of right to bring a claim

Keywords: Right to judicial protection; fairness; procedural good faith; abuse of rights; right to bring a claim; unsubstantiated claim

In this paper, the author analyses the legal category of "good faith", which practical implementation is valuable for every state's order. The article presents a comparative legal study of how abuse of right to bring a claim is prevented (considering the practice of other countries).

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Phenomenon of liability in criminal law

Keywords: Criminal liability; exemption from criminal liability; forms of criminal liability; criminal law enforcement

The article focuses on the controversial issues arising in the doctrine of criminal liability. The author states that the current legislation contains a separate type of liability, which is alternative to criminal liability and may be considered as positive-negative quasi-criminal liability. This evolving liability, as the article highlights, is implemented through the institution of exemption from criminal liability. In this paper, the author also proposes their own definition of criminal liability.

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Housing cooperatives: family and inheritance aspects

Keywords: Housing cooperation; housing cooperative; housing rights; family members; family legal relations; heirs; inheritance

According to the author, Russian legislation lacks clear regulative framework of housing cooperation. Due to this fact, as stated in the paper, the relevant provisions are to be analysed, reconsidered and amended, while the regulative gaps — filled. The author makes proposals on amending and improving the legislation related to the following situation: how the rights on a housing unit should be transferred by inheritance if the cooperative member paid their share not in the full amount.

MAYEVSKAYA, Maria Andreevna

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On possibility of holding an entity liable for fulfilling invalid transaction

Keywords: Invalidity of transactions; restitution; tort; liability; damages

According to the author, the problem whether a party of an invalidated transaction may be held liable for fulfilling such a transaction often arises in practice. To clarify this issue, the author determines how the consequences of transactions' invalidity correlate with the relevant liability. Such an analysis is carried out based on dogmatic, historical and comparative legal methods.

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Business reputation of a concessionaire as a factor for the effective performance of a concession agreement

Keywords: Concession agreement; concessionaire; counterparty; public-private partnership; business reputation; intangible benefits

The article provides a comprehensive analysis of how the business reputation of potential concessionaires is assessed when the concession grantor selects a private investor for a partnership. The authors justify the possibility to objectively evaluate the business reputation of a concessionaire, propose the appropriate criteria to perform such evaluation. In this paper, the authors also provide particular amendments for improving current legislation.

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Differential approach to defining the concept of a first-time offender:

why it is worth supporting

Keywords: First-time offender; exemption from criminal liability; exemption from criminal punishment; conviction

The article analyses the concept of a first-time offender. As the author states, excluding the negative consequences of conviction for individuals committing minor offences for the first time is a measure of special importance for improving the criminal procedure. According to the author, the differential approach to defining the concept of a first-time offender broadens the range of individuals potentially subject to it and increases its humanistic focus. Consequently, the author suggests supporting the approach based on such differentiation.

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Institute of possession: genesis of formation in legal tradition of German states

Keywords: Germany; German law; possession; disposal; proprietary rights

The article focuses on the genesis of "Gewere" institute in medieval German law. In this paper, the author provides a comparative analysis of "Gewere" and "possessio" institutes. The article describes the role of "Gewere" institute in shaping the framework of modern property law in legal tradition of German states. The article also analyses how "Gewere" institute influenced the development of possession-regulating provisions in contemporary codifications.

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Andrey Yanuariyevich Vyshinsky (1883–1954): statesman and legal scholar.

Article ninety-eighth

Keywords: Great Patriotic War; alliance of the USSR, Great Britain and the USA; Moscow Conference (September 29, 1941 — October 1, 1941); A.Ya. Vyshinsky; J.V. Stalin; Winston Churchill; Franklin D. Roosevelt

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses how the military-political alliance of the USSR, Great Britain and the USA was formed in the autumn 1941 in terms of its international legal aspects. The author highlights that A.Ya. Vyshinsky, as the First Deputy People's Commissar for Foreign Affairs of the USSR, was actively involved in this process.

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On prospects for legislative regulation of getting higher education remotely in the Russian Federation

Keywords: Legislation on education; higher education; distance learning; digital technologies

The article focuses on distance learning, the spread of which is getting wider by the day. Despite such a spread, as the author states, the current regulation of this sphere is unable to satisfy modern needs, so it should be revised and improved.

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On combating crimes committed with information and telecommunications technologies

Keywords: Cybercrime; information and telecommunications technologies; information security; cybercrime combating; computer crimes; cybersecurity; cyberattacks; law enforcement agencies; international cooperation; digital literacy

The article focuses on the key types of cybercrimes and the mechanisms for combating them in the Russian Federation and globally. The author states that criminal activity in the sphere of information and telecommunications technologies severely jeopardizes national security, economy, and the rights of citizens. The article also analyses such features of cybercrimes as their cross-border nature, anonymity of crime committers, rapid emergence of new cyberattack methods, failure to update the relevant legal regulation on time. Considering these aspects, the author proposes comprehensive improvement measures on combating cybercrimes.