Conflict of interest as consequence of mismatched interest in corporate law

This article is devoted to issues of conflict of interest in corporations, the resolution of conflicts of interest, and corporate conflict. The topic of conflict of interest can be called a relatively well-covered theme in Russian theories of corporate law. Yet at the same time, Russian scholarly works fail to produce unambiguous answers to the questions of correlation between conflicts of interest and corporate conflicts, as well as their nature and significance for corporate law. The paper expresses the viewpoint that corporate conflicts present conflicts of interest in the broadest sense. The paper studies the concept of interest, and leads to the conclusion that the inherent attribute of conflict of interest is a discord between the interests of an agent and those of the principal — yet within a corporate conflict there is no such agent–principal relationship. A further conclusion is drawn that the nature of corporate conflict in corporations depends directly upon the structure of the corporation’s charter capital. In corporations with dispersed capital, with no controlling participant, corporate conflicts involve the activities of the management structure of the corporation. In corporations with concentrated capital, corporate conflicts involve the participation of the participants themselves. This means that the possible resolution of such conflicts within corporations depends directly on the type of corporation, in which the conflict occurred.

Keywords: Interest; conflict of interest; corporate conflict; corporate law.

Tomsinov Vladimir Alekseevich
Doctor of legal sciences
Professor
Lomonosov Moscow State University Law School
tomsinov@yandex.ru

Andrey Yanuarievich Vovk
Russian Academy of National Economy and Public Administration
student.vovk@gmail.com

Smirnova Elena Vladimirovna
Postgraduate
Department of civil law
Lomonosov Moscow State University Law School
Elena.vladimirovna@gmail.com

Index

- Personal data; protection of privacy; licensing of personal data;
- Blockchain; mining; cryptocurrency; multilateral agreement;

Key words:

- Dual nature of private law; commercial law; commerce and its characteristics; goods; sale of goods transactions.

The Institute of State and Law of The Russian Academy of Sciences

Modern criminal law policy as exemplified by ‘anti debt-collector’ law

In 2016 a continuing media campaign resulted in the adoption of a federal law which intends to deter crimes in the sphere of debt collection from individuals. The author provides a rigorous analysis of the background of this law, its significant provisions, implications and unenacted standards of the law-making process. In this way the author highlights certain patterns of the modern criminal law policy and speaks about its further adjustment.

Keywords: Debt collection; debt collector; violation of debtors’ rights; offenses against debtors; flaw of law-making process; modern criminal law policy; unenacted standards of law-making process; law enforcement monitoring; organized crime.

Trushnikov Sergey Sergeevich
Candidate of legal sciences
Practicing lawyer
tomsinov@yandex.ru

Problems of terminology laws on investigative work

The article raises the question of the incorrect use of certain concepts of investigative work in the context of criteria of breach of antitrust legislation. The author puts forward suggestions regarding possible amendments to the law on investigative work.

Keywords: Law term; investigative activities; suspect; accused; telephone conversations; unification; collision.

Ilya Illyich Sergeevich
Candidate of legal sciences

Yegorova Maria Aleksandrovna
Doctor of legal Sciences
Professor
Department of competition law
Kutafin Moscow State Law University
skoblikov@list.ru

The Institute of State and Law of The Russian Academy of Sciences

Leading researcher
The Institute of State and Law of The Russian Academy of Sciences

Skoblikov Petr Alexandrovich
Doctor of legal sciences
Leading researcher
The Institute of State and Law of The Russian Academy of Sciences

The article gives a critical analysis of the criteria which establish restraints of the competition as provided in par.17 of Article 4 of the Law on Competition. According to the author the rationale for such criteria of restraints should lie in market mechanisms which enable every market player to unilaterally influence the circulation of goods on the relevant commodity market and such criteria should not be tied to the negative implications for the competition. The author further contends that the criteria provided in par.17 Article 4 of the Law on Competition merely help establish the negative implications for the competition. According to the author the negative implications for the competition are already provided by Article 4 of the Law on Competition.

Keywords: Personal data; protection; Personal data; protection; Personal data; protection; Privacy; licensing of personal data; inclusive right; intangible benefit.

Belov Vadim Anatolevich
Doctor of legal sciences
Professor
Department of commercial law and legal method
Lomonosov Moscow State University Law School
bva5871@yandex.ru

Forgotten date of February, 21st 1872 — beginnings of Russian business law

The article discusses the main points of the report entitled ‘A few words on relation of Roman Civil law and new ones and Russian one, and relation of civil law and law of business’ presented by Vasily Nikolayevich Leshkov, professor of Lomonosov Mos-