

KHNYKIN, Gennady Valentinovich

Doctor of legal sciences
Associate professor
Professor
Department of Labor Law
Lomonosov Moscow State University Law School

Working time problems caused by the modern legislator

Keywords: Working time; duration of working time; constructive labour; fair working conditions

The article examines the examples of legislative initiatives related to working time regulation. The author discusses their compliance with labour law principles and the State policy fundamentals for preservation and strengthening of traditional Russian spiritual and moral values. The author highlights the contradictory nature of working time defining provisions, negatively characterizes overall labour law provisions amending the analysed institution. Such amendments, as the author states, contradict with the purpose of the analysed institution, as well as with the regulative principles of fair working conditions' provision, including the limitation of working time.

KOZLOVA, Natalia Vladimirovna

Doctor of legal sciences
Full professor
Department of Civil Law
Lomonosov Moscow State University Law School

FILIPPOVA, Sofya Yuryevna

Doctor of legal sciences
Full professor
Associate professor
Department of Commercial Law and Fundamentals of Law
Lomonosov Moscow State University Law School

On legal nature and regulation of non-defined commercial agreements

(franchising, dealer and distributor agreements)

Keywords: Franchise agreement; dealer agreement; distributor agreement; non-defined agreements; mixed agreement; commercial activity; commercial agreements

The article focuses on the contractual models widely used for selling goods and in commercial activities as such, but not formally implemented in Russian civil legislation. The authors outline that their application shall be considered as legitimate. The article describes the qualifying features of contracts and their differences, as well as determines the legal provisions applicable to the relevant relations.

MARTSENYUK, Alexandra Georgievna

Attorney
"Regionservice" Bar Association

Enforcement immunity of a primary residence in bankruptcy cases:

legal nature and purpose of application

Keywords: Bankruptcy; enforcement immunity; primary residence; right to housing; balance of interests; bankruptcy assets; luxury housing; substitutive housing; abuse of rights

The author characterizes a primary residence immunity as a legal institution and its enforcement scope. The article analyses the law enforcement practice and, on the grounds of such an analysis, determines two key ways of the primary residence immunity being overridden. The first one is to restrict the immunity as for "luxury housing", while the second one is to deny this immunity as such if abuse of rights takes place. The author concludes that the debtor's right to housing shall not be considered as an absolute priority to be enforced against creditors' justified interests.

MIKRYUKOV, Victor Alekseevich

Candidate of legal sciences
Associate professor
Department of Business and Corporate Law
O.E. Kutafin Moscow State University of Law

On provision of legality and balance of interests while applying to private law provisions by analogy

Keywords: Balance of private interests; legal gaps; analogy of statute; analogy of law; law enforcement; private law true provisions; contra legem enforcement

In this paper, the author determines the essence of analogical reasoning, describes their sequence in cases when a law enforcement act shall be performed based on full-of-gaps private law-based regulation.

SHCHELOKOVA, Arina Sergeevna

Postgraduate
Lomonosov Moscow State University Law School

Comparative analysis of enforcing subordination agreements in case of insolvency in the United Kingdom, the USA and the Russian Federation

Keywords: Enforceability; contractual subordination; subordination agreements; intercreditor agreements; insolvency

The article discusses the problem of subordination agreements being enforced in case of a debtor's insolvency. The analysis is based on various theoretical models underlying this legal structure. The author focuses on the specifics of Russian courts approaches to enforcing subordination agreements, highlights their difference to the experience of the USA and the United Kingdom.

SHEVCHENKO, Olga Sergeevna

Postgraduate
Lomonosov Moscow State University Law School

Perinatal encephalopathy of a human fetus: implementation of the constitutional rights of mother and neonate

Keywords: Perinatal encephalopathy; anencephalia; reproductive right; constitutional rights of mother and child; neonatal medical care; palliative care

The article examines the mechanisms of protecting rights of mother and neonate if perinatal encephalopathy occurs. The author determines the discrepancies between medical guidelines for induced miscarriage and a woman's right to maintain pregnancy. The author concludes that it is important to ensure social rights of a mother if their child dies.

SOLOMIN, Sergey Konstantinovich

Doctor of legal sciences
Associate professor
Department of Civil Law Disciplines
Institute of State and Law
Tyumen State University

SOLOMINA, Natalia Gennadievna

Doctor of legal sciences
Associate professor
Department of Civil Law Disciplines
Institute of State and Law
Tyumen State University

Marriage as a civil contract aimed at establishing institutional legal relation

Keywords: Marriage; entering into marriage; marriage agreement; family; marital legal relation; institutional legal relation; intangible goods

The authors determine the essence of marriage, which is considered as the essential issue arising in family law. The article states that comprehension of a family as a phenomenon enabled to exclude all personal non-property relations of the spouses from the marriage regulative scope. Such an approach also leads to a conclusion that a marriage itself shall be perceived as an example of civil contract generating a single institutional (marital) legal relation. The authors consider provision of the regular dynamics for proprietary legal relations as the key purpose of such a contractual institutional legal relation being established.

TERDI, Ekaterina Sergeevna

Candidate of legal sciences
Master of science
Comparative Law, Economy and Finance
International University College of Turin

Impact of digital master territory planning on urban planning activity

Keywords: Digital master-planning; urban planning activity; urban planning legislation of Moscow

The article discusses the institution of digital master territory planning introduced by the Resolution of the Moscow Government No. 438-ПН, dated 11th March 2024. The author considers this Resolution as ambiguous in terms of determining the result of digital master-planning as a proposal and a decision for developing the urban infrastructure at the same time. The article analyses the arguments for the Resolution's inconsistency with urban planning legislation.

TIMOFEEV, Ivan Andreevich

Corporate practice associate
"Stonebridge Legal" law firm
Postgraduate
Institute of Legislation and Comparative Law under the Government of the Russian Federation

"Reflected" property losses: assessment of the amount for reimbursement, scope of application

Keywords: Property losses; compensation nature; third party; reimbursement

The article analyses the existing approaches to property losses' assessment if such losses occurred due to the damage to an entity third to the basic obligation. The author proposes a balanced regulative concept for such relations.

TOMSINOV, Vladimir Alekseevich

Doctor of legal sciences
Full professor
Lomonosov Moscow State University Law School

Andrey Yanuariyevich Vyshinsky (1883—1954): statesman and legal scholar. Article ninety-sixth

Keywords: Great Patriotic War; alliance of the USSR, Great Britain and the USA; A.Ya. Vyshinsky; J.V. Stalin; 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 new Soviet doctrine of international law, the basis of which was formulated by A.Ya. Vyshinsky, developed within the Soviet state foreign policy during the first months of the Great Patriotic War.

VINOGRADOV, Vladislav Vadimovich

Legal counsel
"KIA Russia and CIS" LLC
Postgraduate
Lomonosov Moscow State University Law School

Doctrine of consideration in English law

Keywords: Contract; agreement; consideration; equivalent

The author describes the doctrine of consideration as a mandatory element of any contract within the English legal system. This article focuses on how the doctrine of consideration developed in the history, as well as on its key characteristics.

ZHUK, Oleg Dmitrievich

Doctor of legal sciences
Full professor
Director of Scientific and Educational Center for Combating Organized Crime and Corruption
Lomonosov Moscow State University Law School
Academician

Russian Academy of Natural Sciences
Honorary worker of Public Prosecution Office of the Russian Federation

On suspension of transactions with money, electronic money, advance payments within pre-trial criminal proceedings

Keywords: Criminal proceedings; criminal case; powers; investigator; head of investigative authority; interrogator; public prosecutor; money; electronic money; advance payments; contributions; deposits; bank account; qualified electronic signature; information telecommunication technology

The article discusses the accretion of powers formally given to investigator and interrogator, who, acting by consent of investigative authority head or public prosecutor, are entitled to issue an order to suspend the transactions with money, electronic money, advance payments for communication services (for such funds to be consequently frozen). Such a suspension may take place for no more than 10 days.