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Problems of law enforcement in Islamic commercial law

Keywords: Islamic commercial law; school of law; claim; agreement; discharge; creditor; forgiveness; debtor; offset; gift; pledge; property; confiscation; mortgage; pawn; Sharia law; Quran

The paper considers the characteristics of main types of agreements in Islamic commercial law, and specifics of their enforcement.

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Companies and Law on contractual system of procurement: scope of compliance

Keywords: contractual system; procurement; subsidies; budget investments; company
In certain cases the requirements of the Law on contractual system of procurement do not extend to the entities which are not public organizations or municipal bodies. The paper considers the cases where the Law on contractual system of procurement is applied by companies and discusses the scope of their compliance.

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Determining amount of compensation for inflicting health harm in sense of physical 'harm caused by effects': legal and legal doctrine premises

Keywords: health harm; physical harm; 'harm caused by effect'; compensation; amount; tort liability

The paper analyzes the issue of establishing criteria for determining the amount of compensation for health harm.

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Mechanism for protection of rights of tourists: searching for effective legislative model

Keywords: bank guarantee; tourist right protection; actual damage; reserve fund; liability insurance; tourist; travel agency; financial guarantees; personal liability fund of travel agency

The authors discuss the benefits and disadvantages of legislative and doctrinal approaches which were adopted for the development and implementation of mechanisms for the protection of rights of tourists. The authors suggest another model of the mechanism which would introduce more guarantees ensuring that travel agencies perform their obligations under relevant agreements with their clients (tourists). The authors provide a set of relevant justifications for the suggested model.

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Criteria of law chosen by parties of non-contractual obligations

Keywords: choice of governing law; non-contractual obligations; choice of non-domestic sources; limitation of autonomy of will; negative autonomy of will

The paper discusses the problem of choice of governing law, in particular choosing international legal treaties, general principles of law, and non-national sources of law as governing law. The author sets out to identify the existing regulatory mechanisms allowing the parties to resort to non-national sources of law to regulate their non-contractual obligations. The article contains proposals for improving Russian legislation in terms of introducing international private law instruments for regulation of non-contractual obligations.

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Release from liability in claims for compensation for damaged caused by owner of source of increased danger: Vietnam law

Keywords: contributory fault; gross negligence; negligence; damages; source of increased danger; tort; liability

Based on the results of the study the author shows that to release the owner of the source of increased danger from liability it is necessary to establish the intent of the injured party. The amount of damages would be reduced if the claimant had not demonstrated sufficient care, even if the fault of the owner of the source of increased danger was not established.

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Reputation of public organization against backdrop of intangible assets of associated entities

Keywords: state; constituent entity of federation; public organization; public bodies (local government); unspecified scope of persons; honor; dignity; good will

The paper discusses one of the underexplored issues of the legal doctrine, i.e. the relationship between intangible value of a public organization and the honor, dignity, and business reputation of the entities associated with it: government bodies (local self-government), their officials and lay citizens (residents), the people, titular nation of the country, and other unspecified scope of persons.

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Application of interim measures: justification and implications

Keywords: interim measures; civil procedure; commercial procedure; subject-matter of claim; coincidence

One of the unresolved problems of law practice deals with the question of whether the effect of interim measures can coincide with the effect of final judgement on the merits of the claim. The judicial practice due to its variability and lack of uniform approach does not answer this question. The author supports the widely accepted opinion that the institution of interim measures requires more careful study and detailed legislative regulation.

RAPOPORT, Maksim Yurievich

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Conditional contract and period of its legal effect: comparative study

Keywords: conditional contract; condition precedent; subsequent condition; retroactivity

The article examines the main approaches adopted in civil law jurisdictions with regard to the issue of validity period of the terms of the transaction. The author comes to the conclusion that, as a general rule, the condition is considered valid for the future, however, the parties to the transaction retain the opportunity to include retroactive condition clauses in the contract. A similar approach should be followed when studying Russian law.

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

Article seventy-four

Keywords: USSR; repressions; USSR General Procurator Office; I.V. Stalin; A.Ya. Vyshinsky

The paper continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author gives a general evaluation of A.Ya. Vyshinsky's work in the second half of 1930s and the phenomenon of the repressions during Stalin's rule.

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On specific characteristics of criminal responsibility of persons enlisted to special military operation during period of mobilization or martial law

Keywords: release from criminal responsibility; contract; mobilization; martial law; special military operation; failure to obey order; failure to perform duties

The paper discusses the legislative developments which laid down legal guarantees for the release from criminal responsibility for persons concluding a military service contract with the Russian Armed Forces during the period of mobilization or martial law.

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Legal grounds for processing of personal data of relatives of job applicants and employees of credit organization: detecting and preventing cases of conflict of interest

Keywords: personal data; legal grounds for personal data processing; personal data owner; credit organizations; banks; conflict of interest; internal control; compliance; corruption; anti-corruption activity; methodological recommendations

The process of searching candidates and hiring workers at a credit organization is strictly associated with a duty to detect, prevent and resolve conflicts of interest which can be revealed in the process of personal data processing. In particular, it concerns processing personal data of job applicants' relatives and employees. The paper analyzes the legal justification of this procedure as well as the scope of authority exercised by a credit organization in terms of identifying and preventing conflicts of interest. The author discusses effective application of law requirements suggesting a separate justification of the said personal data, more relevant than legal interest of personal data operator.