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Transparency of NPOs participation in content moderation within digital space

Keywords: Digital Services Act; digital platforms; social media; social networks; content moderation; trusted flaggers

This article proposes amendments to Russian legislation, which, in the author's opinion, will make the participation of third sector organizations in content moderation more transparent. The proposals are aimed at reaching a balance of public and private interests in limiting the right to freedom of expression of social network users.

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Legal regulation of digitalization of higher education and realization of constitutional right to education

Keywords: Digitalization of higher education; distance learning; online courses; electronic education; digital transformation of educational processes

The author reviews the main lines of digital transformation within higher education sector, including the existing program-targeted acts, as well as a number of specific provisions in legislative acts and practical steps and measures taken by leading universities in this sphere. In the conclusion the author underlines the importance of digitalization in the sector of education as it will contribute to wider access to education and ensure the realization of the right to education protected by the Russian Federation Constitution.

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Effectuating principles of "non bis in idem": criminal responsibility for tax crimes

Keywords: Tax crime; tax avoidance; continuing crime; series of crimes; non bis in idem

The general legal principle of "non bis in idem" is violated when a single continuing crime is divided into a series of crimes. The distinction between these criminal legal concepts becomes particularly difficult in cases of tax crimes, the degree of which is determined "within three consecutive financial years." The paper analyzes the approaches established in judicial practice for the qualification of tax crimes committed during the period of more than three years, and provides their evaluation against the backdrop of the rulings of higher courts on the legal construction of characteristics of a single continuing crime and adherence to the general legal principle of "non bis in idem".

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Issues of transfer of targeted funds after death of testator

Keywords: Testator; inheritance; 'duties under inheritance'; funeral costs; medical costs

The author considers certain issues related to transfer of targeted funds after the death of testator. The transfer of such kind has social nature, yet the author believes it puts the recipients of such funds into a privileged position in contrast to creditors and legatees. Therefore, the author insists there should be mandatory regulation aimed at maintaining the balance of interests of all parties concerned.

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Problem-search investigative situations in criminal investigation

Keywords: Investigative situations; forensically significant information; problem-search investigative situations

Detection and analysis of these situations allows the investigator to accurately determine the scope of issues to be proved. The paper describes the nature of problem-search investigative situations, their essential characteristic of "information uncertainty". The notions of "forensically significant information" and "problem-search investigative situation" are defined.

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Abstract damages: problems of calculation and recovery

Keywords: Damages; abstract damages; termination of agreement; foreseeability of damages

The paper analyzes the institute of abstract damages, the author gives a general overview of the institute, compares it with payments subject to termination of the agreement. Other issues include the calculation of abstract damages and grounds for their recovery.

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Qualification of actions of person who took possession of lost thing

Keywords: Theft; discovery of lost or abandoned property; unjust enrichment; lost property; appropriation of found thing

In January 2023, the Constitutional Court of the Russian Federation came to a number of conclusions regarding the qualification of such a crime as theft in the form of theft of found property. These findings are not only of great practical importance, but also provide a basis for resolving a number of doctrinal problems at the interface of civil and criminal law. The author determines the limits beyond which the actions of the person who found the thing become unlawful, which allows the injured party to seek not only civil remedies (condition requirement), but also to use the mechanism of public legal coercion.

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Mitigation of punishment in cases of intellectual property offences

Keywords: Intellectual property; imposition of punishment; mitigation of punishment; criminal responsibility

The paper analyzes the cases of intellectual property offences where the punishment imposed was below the minimum sanction set forth in the Art. 64 of the Criminal Code. The paper contributes to the existing volume of research on the topic in question. The author proceeds from the underlying assumption of the humanization of criminal law and analyzes the practice of applying the Art. 64 of the Criminal Code, makes proposals to change the criminal law and the practice of its application by the courts.

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Andrey Yanuarievich Vyshinsky (1883—1954), statesman and legal scholar. Article seventy-seven

Keywords: USSR; Soviet legal science; theory of court evidence; A.Ya. Vyshinsky; M.S. Strogovich

The paper continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses the main scholarly work of A.Ya. Vyshinsky — the book 'Theory of court evidence' — which was named an 'all time classic' by one of the most prominent Soviet specialists in criminal procedure M.S. Strogovich.

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Fact in issue in criminal cases in sphere of procurement

Keywords: Procurement; crime event; lucrative interest; fact in issue; actual damages; seizure of property; overpricing; mitigating circumstances

The author examines the facts which have to be established in the course of investigating this category of crimes: crime event; perpetrator's identity; issues of guilt, intent and motive as well as defences. The author also analyzes the extent and the nature of damage and losses caused by the perpetrator.

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On criminal responsibility of officials of foreign states and international organizations, where Russia has no membership, for illegal investigative actions and active search activities on territory of Russian Federation

Keywords: Officials of foreign states and international organizations; illegal investigative actions and active search measures; security risks for citizens and state; criminal responsibility; sabotage; transport safety; arson; destruction; terrorist act

The paper analyzes the draft of law on prosecuting and bringing to criminal responsibility officials of foreign states and international organizations in which Russia has no membership, for illegal investigative actions and active search activities on the territory of the Russian Federation. The threat to the security of our citizens and the state is constituted by collecting evidence, conducting operational search activities circumventing the existing orders and regulations, interrogating Russian citizens (conducted in person or remotely), obtaining samples from them for expert research (fingerprints, genetic material), attempts to lure Russians out of the country for subsequent arrest abroad. The paper also analyzes provisional changes to the Art.267 and 281 of the Russian Federation Criminal Code.