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Forensic synopsis of official misconduct

Keywords: Official misconduct; forensic synopsis

The article presents basic elements of forensic synopsis of official misconduct (malfeasance in office); typical criminal methods and methods of crime concealment, crime scene synopsis, elements of perpetrator's personality.

DYADYUN, Kristina Vladimirovna

Candidate of legal sciences
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Intoxication and criminal responsibility

Keywords: Intoxication; criminal responsibility; imposition of punishment

The author analyzes the state of intoxication in the context of criminal responsibility, in particular, the author discusses the approaches to determining the level of intoxication and those for determining legal responsibility with due account of the state of intoxication.

MACHULSKAYA, Elena Evgenievna

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Raising retirement age: alternatives

Keywords: Retirement age; demographic situation; financial stability; compulsory pension insurance; decent pension; Pension Fund of Russia; discrimination; criminal responsibility

The author analyzes the proposals of the President of Russia to soften the pension reform which aims to raise the retirement age. The author considers alternative ways of stabilizing the sphere of compulsory pension insurance.

PETROV, Alexey Yakovlevich

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Seeking compensation for pain and suffering caused to employee

Keywords: Article 237 of RF Labor Code; Article 12, 150—152, 1099—1101 of RF Civil Code; non-pecuniary damages; court practice

Based on the analysis of the RF Labor Code and Civil Code regulations as well as relevant court practice the author suggests ways of tackling topical legal problems which concern employees' claims seeking non-pecuniary damages.

PIROGOVA, Elena Sergeevna

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ZHUKOVA, Yulia Dmitrievna

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Director's liability in insolvency at new stage of regulation: effectiveness of reforms

Keywords: Grounds for director's liability; subsidiary liability; duty to file for bankruptcy; controlling person; infringing the creditors' property rights; actions precipitating insolvency

The article presents the analysis of recent changes with respect to the liability of company director in the course of insolvency. In particular, the authors analyze the new provisions of the Law on Bankruptcy against the provisions of the RF Supreme Court Plenum resolution #57 regarding corporate law regulation. The authors outline the existing inconsistencies in the provisions regarding obligations of persons managing the company. The authors also discuss the possibility of director's relief from liability due to his de-facto exercise of director's powers.

SHCHENNIKOVA, Larisa Vladimirovna

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Searching for new models of legal regulation of immovable, analysis of relevant court practice

Keywords: Rights in rem; ownership; immovables; scope of civil law; business activity; court practice

The author analyzes the immovables as a notion of civil law. The analysis revolves around the history and development of this notion. The author also considers the formal revisions of the Article 130 of the RF Civil Code. By developing the comparative analysis, the author concludes that any revisions to the article should be taken with particular care by the legislator since Article 130 plays an essential role in the system of civil law norms. Examples taken from the court practice depict the actions in breach of the duty of good-faith where the parties take advantage of the concept of immovables.

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DEMIANOV, Evgeniy Viktorovich

Chairman of Electoral Commission of the Stavropol krai

Law on Presidential Election: problems and practice of 2018

Keywords: Presidential elections; electoral commissions of RF constituent entities; voters; observers

The Presidential elections of the 18th of March 2018 followed the amendments to the federal legislation which were introduced shortly after the elections had been scheduled. Analyzing the enforcement of the Law on Presidential Election the authors speak about the possibility of enhancing the work of election commissions.

TARIBO, Evgeniy Vasilyevich,

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Taxable income under constitutional review (analyzing cases on compensation payments to the military)

Keywords: Constitutional justice; taxation; tax disputes; elements of a taxation; tax rate; tax base; taxable income; intersectoral inconsistencies; self-determination of the constitutional control

The article considers the role of the constitutional justice in the resolution of tax law problems. The author underlines the important role of legal norms on taxable incomes. In particular, it concerns the cases brought to the RF Constitutional Court in which the parties challenge the provisions regulating particular elements of tax obligation. Since taxable income gives rise to tax obligations the pertinent norms must be specific and unambiguous. The author contends that unspecified description of taxable income may be caused by the inconsistency of various legal norms, which in fact proved to be the case when in 2016 and 2018 the RF Constitutional Court ruled on the issue of awarding compensations to the military. The resolutions made by the RF Constitutional Court oblige the legislator to introduce changes which would eliminate the deficiencies regarding the taxable income for the income tax.

TOMSINOV, Vladimir Alekseevich

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

Article fifteen

Keywords: USSR Procurator General; USSR Constitution of 1936; repressions; I.V. Stalin; A.Ya. Vyshinsky

A.Ya. Vyshinsky, his professional career, and contribution to the development of jurisprudence. The article dispels political myths about this figure and provides an unbiased analysis of his political career and scholarly works.

VAYPAN, Victor Alekseevich

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Keywords: Digital economy; principle of social justice; business legislation; digital economic relations; big data; artificial intelligence, distributed registry systems (blockchain)

Incorporating socially just digital economic relations in business legislation

The article discusses the emerging socially just digital economic relations and their incorporation in the norms of business legislation. The author analyzes proposals concerning legal regulation of new technologies like: big data; artificial intelligence; blockchain; industrial Internet; robotics components; virtual and augmented reality.

ZAYKOV, Denis Evgenievich

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Violation of terms for issuance of execution orders: protecting rights of execution creditors

Keywords: Legal procedure; enforcement of court order; reasonable period of time; execution order; court

The legal regulations and practice of awarding compensations for violating the right to legal procedure and enforcement of court orders within reasonable period of time become literally unenforceable in case of non-compliance with the terms for issuance of execution order. The author of the article suggests ways of tackling this problem.

ZAYTSEV, Stepan Vladimirovich

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Contesting cadastral value: taxpayer's perspective

Keywords: Cadastral value; cadastral value disputes; tax burden

The review of practical and theoretical aspects of certain types of cases given in the article will be of use to those specialists who have never dealt with contesting cadastral value of immovable property. Drawing on personal experience the author suggests a number of criteria which will help determine the economic efficiency of such cases for taxpayers.