

Index

ANUFRIEVA, Alexandra Alexandrovna

Candidate of legal sciences
Assistant
Department of international law
Lomonosov Moscow State University Law School of Law
alexandra-anufrieva@yandex.ru

Decisions of international investment arbitration tribunals: enforcement and effectiveness

Keywords: Foreign investment; investment arbitration; Washington convention; ISCID; New York Convention on recognition and enforcement of arbitral awards; state immunity

The work of international investment tribunals has been under strong criticism the reasonableness of which is discussed in the article. Nowadays experts call for establishing regular investment courts; largely this discussion goes around the lawsuits filed by foreign investors against Russia. The author discusses the following questions: how often the states disregard the decisions of international investment tribunals; whether it is possible to enforce such decisions compulsorily. The author discusses the effectiveness of the system, which aims are to consider and enforce decisions of arbitration tribunals on investment disputes.

BANNIKOV, Ivan Anatolevich

Postgraduate
Department of civil procedure
Lomonosov Moscow State University Law School
VKO Group Almaz Antey (JSC)
Deputy head of litigation division of Legal department
Ivanbannikov_msu@mail.ru

Participation of citizens in civil procedure

Keywords: Participation of citizens; law administration; jurors; people's assessors
The article examines citizen participation in civil procedure. In particular, various types of such participation are discussed in the article. The author concludes that Russian civil procedure will benefit from involving people's assessors into legal proceedings.

BELOV, Vadim Anatolevich

Doctor of legal sciences
Department of commercial law and law science
Lomonosov Moscow State University Law School
bva5671@yandex.ru

DUDCHENKO, Kirill Vladimirovich

4th year student
Lomonosov Moscow State University Law School
Dudchenko.kirill.aur@yandex.ru

'Financial obligation agreement': option and subscriber's agreements — concept and classification

Keywords: Agreement; option agreement; subscriber's agreement; obligation; ancillary rights

The article discusses the recent changes to the RF Civil Code, which in particular concern option agreement (art. 429.3) and subscriber's agreement (art. 429.4). The authors come to the conclusion that these types of agreements intend to settle special conditions under which one party can unilaterally impose an obligation on the other party without their consent. The option and subscriber's agreements are compared and contrasted against each other as well as against related legal tools like preliminary, framework agreements or option for contract formation.

EREMINA, Anna Sergeevna

Candidate degree applicant
Department of financial law
Lomonosov Moscow State University Law School
intertaxplan@gmail.com

Legal abuse as concept of tax law in Russia: prospects and possibilities

Keywords: Legal abuse; tax planning; tax evasion; tax avoidance; deoffshorization
The topic of legal abuse has been quite an issue in Russian law science. The latest law initiatives demonstrate that this issue is inherent to the sphere of tax regulation. The author of the article attempts to determine whether the construct of legal abuse can become a part of the national tax legislation.

POLYANSKIY, Pavel Lvovich

Candidate of legal sciences
Associate professor
Department of history of state and law
Lomonosov Moscow State University Law School
IOGP@yandex.ru

Siberian exile as ground for divorce in Russia in XVIII—XIX century

Keywords: Russia; XVIII century; XIX century; history of law; family law; criminal law; divorce

The article focuses on Siberian exile as legal ground a reason of divorce in Russia in XVIII—XIX cent. The author provides a comprehensive analysis. The paper considers this question in the context of church rules, criminal law norms and estate laws.

RASTOROPOV, Sergey Vladimirovich

Doctor of legal sciences
Professor
Department of prosecutorial oversight for investigative activities and prosecution role in criminal procedure
Senior Counsellor of Justice
Academy of the Office of the Prosecutor General of the Russian Federation
rastoropov_sv@mail.ru

Systematization of crimes against life under Criminal Code of RF and Austria: comparative analysis

Keywords: Crimes against life; murder; manslaughter; classification of crime elements; high-profile types of murder; Criminal Code of Austria; punishment under law

The article draws a comparison between Russian and Austrian classification of crimes against life. Particularly, the author analyzes the specifics of concepts inherent to this group of crimes. The author speaks about possible convergence of legal ideas laid

down in Criminal Codes of Russia and Austria. Accordingly the author discusses possible improvement and changes to the existing legislation. The present work is based on a number of fundamental contemporary academic works and research.

SHERSTOBITOV, Andrey Evgenievich

Doctor of legal sciences
Professor
Department of civil law
Lomonosov Moscow State University Law School
civil@law.msu.ru

Recovery of costs for completed works upon unilateral withdrawal from construction contracts: legal controversies

Keywords: Penalty; unpaid works; contract; construction contract; termination of contract; unilateral termination of the contract; contract execution; indemnification; unjust enrichment, statute of limitations; beginning of limitation period

Recent changes of the RF Civil Code challenge the reasonableness of applying the norms on unjust enrichment (art. 1103 RF CC) in cases of unilateral withdrawal from the contract, specifically the situations when one of the parties gains property as a result of unequal performance of the parties to the contract. Another important issue deals with commencement of the limitations period with regard to claims on recovery of costs for the defaulted works that were actually paid by the client subject to the conditions of construction contract which subsequently was unilaterally rescinded.

SPIRIN, Mikhail Yurievich

Candidate of legal sciences
Associate professor
Department of theory and history of state and law and international law
Samara state university Law faculty
smv@samaradom.ru

Supranational (transboundary) legal system: theoretical issues

Keywords: Globalization of law; national law system; group of law systems; legal tradition; supranational (transboundary) legal system; juridical geography of the world

The author analyzes the relation between the categories of «national legal system», «group of legal systems» and «supranational (transboundary) legal system». The article points that globalization processes in law sphere as well as their consequences are perceived with a great deal of subjectivity. Another issue raised in the article concerns one of the effects of globalization, which takes form of major supranational legal systems.

TELYUKINA, Marina Viktorovna

Doctor of legal sciences
Professor
The Russian Presidential Academy of National Economy and Public Administration
marwic@rambler.ru

TKACHEV, Valentin Nikolayevich

Doctor of legal sciences
Professor
Department for legal regulation of service and legal work
Legal Department
RF Ministry of Internal Affairs
Deputy head
valentine_t71@mail.ru

LEBEDINETS, Olga Nikolayevna

Candidate of legal sciences
Associate professor
Department of civil law and civil procedure
Moscow University of RF Ministry of Internal Affairs
o.lebedinec@mail.ru

VILKHOVSKY, Maksim Vladimirovich

Deputy head of Lawyers' Association of Moscow
mlunior@yandex.ru

Loss of ownership subject to act of local government: plausibility test

Keywords: Ownership; property right; civil legislation; court defense; administrative forfeiture; unauthorized construction; registration of ownership

The article analyzes an unprecedented situation, which any reasonable lawyer will find unthinkable. As of December 2015 owners can lose their property subject to an act of local government. The authors of the article urge for immediate action to obviate and eliminate such a possibility since it contradicts the foundations of civil law and constitutional framework.

TOMSIKOV, Vladimir Alekseevich

Doctor of legal sciences
Professor
Lomonosov Moscow State University Law School
tomsikov@yandex.ru

Development of Civil Code of laws draft and development of civil law science in Russia at the end of XIX — early XX century. Article fourteen.

Keywords: Russian civil law; draft of Civil Code of laws; obligation; contract
The article describes the work on the draft of Civil Code of Laws, in particular, it focuses on the elaborate development of the institutes of law of obligations. The author analyzes the general provisions of the draft of Code regarding contracts.

ZAYKOV, Denis Evgenievich

Candidate of legal sciences
joburist@rambler.ru

Restrictions of labor agreement or service agreement as anti-corruption tool

Keywords: Fight with corruption; state and municipal servants; labour agreement; service agreement

Legal restrictions for labor and service agreements, where the employee is a former civil servant, were established for anti-corruption purposes. Yet application of these rules poses a number of questions. The author analyzes the restrictions under study and suggests his view on possible improvements in the legal regulations of this sphere.