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Relieving of duty to establish facts admitted by opposite party: legal issues

Keywords: Civil procedure; arbitrazh procedure; confession; agreement of admission of facts

Legal regulation of confession poses a number of questions, including further relief of the duty to establish facts. The author evaluates the extent of the solutions formerly developed within the institute of confession and underlines relativism of confession when qualified as ground for relief of duty to establish facts.

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Scope of civil law rights: legal regime and scope of civil law transactions

Keywords: Object of civil law; res; civil law transactions; digital assets; property
The authors discuss the criteria which may determine whether certain phenomenon can be included into the scope of civil rights regulation. The authors believe the idea of recognizing an object of law as subject to full scope of property rights does not reflect current processes adequately enough.

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Vicarious liability of persons controlling credit organizations

Keywords: Legal entities; business entities; credit organizations; vicarious liability; bankruptcy; persons controlling debtor

Bankruptcy of credit organizations makes a strong case of departing from the principle of liability of a legal entity. At some point vicarious liability of persons controlling a credit organization became a rule rather than exception. The article analyzes the issues of vicarious liability and its applicability which were discussed by the author in the report presented at the VII All-Russia Legal Forum in September 2023.

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Technologies without intellectual property

Keywords: Technology; industry; innovation; technical documentation; intellectual property; implementation

The businesses are primarily concerned about practical issues of correlation between rights to technologies and clearly defined economic and legal categories of intangible assets and intellectual property. The author seeks to establish whether applicable legislation and modern legal doctrine effectively protect the interests of developers of industrial technologies. Another question raised by the author concerns expanding the scope of intellectual property to ensure better protection of rights to technologies.

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Illegal medical or pharmaceutical activities: actus reus legislative description

Keywords: Actus reus; harm to health; medical activity; pharmaceutical activity

Based on the analysis of doctrinal positions and law enforcement practice, the article examines the actus reus under Article 235 of the Criminal Code of the Russian Federation. It is concluded that it is necessary to specify in this article the degree of severity of harm to health, which is dictated by the need for a more precise definition of the public danger of the crime committed.

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Dismissing claims arising from enforcement of CASCO agreements upon discovery of 'unknown circumstances' causing car damage

Keywords: Motor vehicle insurance; CASCO disputes, fact in proof; burden of proof; financial agent; judicial practice consistency; Russian Federation Supreme Court

Thousands of claims are launched in relation to enforcement of so called CASCO agreements. The article discusses certain procedural issues arising upon discovery of 'unknown circumstances'. The author discusses the implications of the issues and possibilities of ensuring the consistency of judicial practice.

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Discharge under force majeure clause and doctrine of frustration:

contract law of Russia and USA

Keywords: Force majeure event; criteria of force majeure events; frustration; impossibility to perform contractual obligations; contract law

The article analyzes recent court practice and legislative acts concerning discharge in contract law in Russia and USA. The authors analyze the criteria of force majeure events, frustration, impossibility to perform a contract and extreme impediments to contract performance arising after the contract terms effect.

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Administrative offence and concepts of fault of legal entity

Keywords: Legal entity; administrative responsibility; administrative offence; fault; concepts of fault of legal entity

The issue of fault of legal entity in administrative offences has been a debatable one. The article provides comparative analysis of the existing concepts of fault, outlines their advantages and weaknesses, and discusses possibilities of implementing those concepts in Russian legislation on administrative responsibility.

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Problem of shadow employment of domestic staff and legal solutions

Keywords: Domestic staff; unofficial employment; domestic staff labour; employment relations; registration of employment agreement; illegal employment

The article discusses the problem of unofficial employment on market of house workers. The author analyzes foreign practice, statistical data, identifies the causes of shadow employment and discusses possible ways of tackling the problem.

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It is time to introduce order to system and structure of federal executive branch of Russian Federation

Keywords: Federal executive bodies; structure; ministry; federal service; federal agency; optimization; administrative reform

The legal regulation of the structure of the federal executive bodies as well as the strategy of reforming public bodies has revealed serious deficiencies that require swift action. The article discusses various approaches to the notion of the structure of federal executive branch and the system of federal executive bodies. The author analyzes the development of the pertinent legal regulation and discusses ways of improving efficiency of reform of structure of federal executive bodies in the Russian Federation.

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

Article eighty

Keywords: USSR; Soviet legal science; theory of court evidence; A.Ya. Vyshinsky
The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky.

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Do criminal procedure prescriptive periods reflect real state of things?

Brief retrospective comparative law research

Keywords: Procedural periods; limiting rights and freedom; indictment; investigation period; restriction of travel order

Based on the analysis of the provisions of criminal procedure law on the reasonable period of legal proceedings the author discusses the problems related to long periods of criminal investigation. The author draws comparison with the prescriptive periods set out in the Criminal Procedure Code of the RSFSR in 1960. The authors suggest that the period of indictment order should be limited.

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On specifics of criminal responsibility of persons enrolled to participation in special military operation and other novellas of criminal legislation

Keywords: Criminal responsibility; special military operation; military service contract; custodial sentence; expunged or removed criminal record; foreign citizens; penitentiary institutions

The article discusses the specifics of criminal responsibility of persons enrolled to participation in special military operation. It is proposed that changes should be introduced to a number of federal law provisions regulating the enrollment and selection of applicants to contractual military service in Armed Forces of the Russian Federation. Pertinent legislation provides for out a possibility to sign military service contract not only with citizens of Russia but also with foreign citizens who have been previously convicted for misdemeanors and minor criminal offences, as well as persons whose criminal record has been removed or expunged.