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Reforming RF Civil Code norms on trust management: concept essence and major objectives

Keywords: Trust management; trust property; enterprises; the control set of stocks (shares); inheritance; the Russian Civil Code reform

Reform of the general part of the RF Civil Code is reaching its final stage. Right after the expected adoption of updated regulations regarding limited proprietary rights (which make a separate federal law draft #47538-6) the lawmaker will face the call to specify the norms regarding types of contracts. In the present article the author outlines and determines the concept and objectives of the construct of trust management, which also makes an important issue of the Plan of proprietary rights legislation development (chapter 23 the RF CC).

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RF Civil Code novels on options: hedging or imbalance of interests?

Keywords: Option; option contract; option premium; hedging; option risk; exchange contract

The latest changes to legislation concerning option are analyzed through lens of its history, its legal nature and importance for the civil circulation. The author analyzes purposes of options and their connection to option premium as basis of mutual interests of the seller and the buyer.

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Discriminating grant of preferences: scope of municipality competence

Keywords: Public authorities as Civil law parties; scope of competence; state and municipal preferences; conditions of exemption; discriminatory provisions

The acts and regulations of public authorities (at municipal level) which grant preferences to individuals and legal persons in discriminating fashion pose significant risks to competition. The author analyzes the concept of preference and its features, and provides a list of cases where granting of such preferences was admissible. A summary of criteria which help to determine the fact where a municipal authority exercised its competence to restrict competition is presented as well.

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Issues of regulating inquiry procedure

Keywords: Inquiry; inquiry officer; charging document; prosecutor; summary inquiry

Inquiry was designed to be a summary procedure, yet it failed to fulfill this objective owing to well-known reasons. Inquiry as a simplified and expedited form of investigation has to be unified. Accordingly, current article suggests that inquiry should be simplified as per standard procedure, and the summary procedure under chapter 32.1 RF Criminal Procedure Code would be repealed. Besides, the author makes proposals regarding amendments to the RF CPC provisions regarding administering of preliminary investigation procedure of inquiry and competence of inquiry officer

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Legal nature of line construction

Keywords: Line construction; line construction facility; real estate

The author analyzes line construction as a separate concept and a special type of real estate, and highlights its specific features. The author proposes his own definition of line construction based on the analysis of the concept.

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Principles of property law and law of obligations: distinguishing proprietary rights and liability rights

Keywords: Civil law principles; property law; law of obligations

How is current reform of the Russian civil legislation related to the modification of general principles of civil-law regulation which aims to meet modern challenges? The author discusses whether a new approach to the perennial issue of differentiation between proprietary and liability rights in civil law science can be adopted.

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Effectiveness of compulsory educational measures for juveniles: personality-related problems

Keywords: Juveniles; compulsory educational measures; offender's personality; responsibility of juveniles; prevention of crime

The article presents the analysis of regulatory norms on application of compulsory educational measures, statistics, and the results of empirical research. Using these data the authors highlight the weak points of the regulatory acts which deal with application of such measures. The authors share their views on amending the existing laws with the view of enhancing effectiveness of these measures.

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

Keywords: Russian Civil law; Civil code of laws draft; right of possession; protection of possession

The author discusses Russian civil law approach to the protection of right of possession; such approach was common for the legal theory and law practice of XIX till early XX century. The author also analyzes relevant remedy proposed in the draft of Civil code of laws and determines whether this remedy was consistent with the existing approach.

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Exercising court oversight of investigative bodies: controversies of terms

Keywords: Court; defense; prosecution; petition; adversarial system

According to the author, the existing criminal procedure code does not tackle in details the issues regarding terms for considering petitions filed by the parties regarding actions (or taking no action) and decisions of law enforcement agencies (officials). Also, the law does not clearly specify the application of court order authorizing inquiry actions which may lead to curtailing of citizens' constitutional rights. Based on the examples of court practice the author suggests relevant amendments to the RF Criminal Procedure Code may clarify these issues.

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Sports and antimonopoly legislation

Keywords: Antimonopoly legislation; sport; Federal Antimonopoly Service; sport federation

The author analyzes a number of disputes in which the weaker party suffered from violations of rights, interests and breach of obligations. The author concludes work of Russian sport federations should be subject to antimonopoly legislation. In addition, the author suggests using some elements of foreign court decisions to amend the existing laws.