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On 'right' and 'not-right' views on property under criminal law

Keywords: Criminal law, nature, essence, ontology, property, thing, matter, thought, word, deed, empiricism, science, theory

The author analyzes the institute of property under criminal law. According to the author, modern theory of criminal law poses the study of property issue under the guise of tackling internal technical legal problems. However, understanding the essence of property can make a significant step in determining the place of property concept in criminal law.

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Globalization of anti-corruption legislation: long hand of foreign justice or a threat to Russian sovereignty?

Keywords: Corruption, globalization, anti-corruption legislation, threat to sovereignty

The paper touches upon some issues of extraterritorial effect of foreign anti-corruption legislation with regard to Russian legal entities and individuals. According to the author in the situation when anti-corruption norms are running against each other for the extraterritorial effect of foreign legal norms the only way to make Russian anti-corruption legislation competitive at international level is ensuring efficacy of its application.

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Revocation of passive voting right: criminal law

Keywords: Criminal legislation, passive voting right, ineligible, conviction, anti-corruption scrutiny of legal acts, one of the key reasons of federal law imperfection, Makhachev Gadzhi Nukhievich

The flaws of law-making may sometimes give legal effect to the norms which violate constitutional rights of citizens. The author analyzes an example of such situation: amendments to the Federal Law 'On basic guarantees of electoral rights and the right of citizens to participate in referendum' enacted on May 2, 2012 were actually revocating the voting right of certain categories of citizens. The amendments were effective for almost two years up to February 21, 2014 when they were reversed.

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Malicious evasion of credit repayment

Keywords: Malicious evasion, credit indebtedness, creditor, debtor, enforcement proceeding

Based on the court practice materials the author presents classification of features which point at malicious evasion of credit repayment. The author also touches upon criteria which determine the limits of the crime as provided in the article 177 of the RF Criminal Code.

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Lex constructionis as a legal source regulating of international construction contract

Keywords: International private law, international construction contract, lex mercatoria, lex constructionis, FIDIC, standard contract terms

International construction contract has an important place in international business. Yet it still lacks universal conventional regulation. At present the system lex constructionis represents quite an effective source of regulating international construction contracts. This system includes sample contracts, legal guidance that can be applied in contract execution practice and for dispute resolution.

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Limits of law-making powers of RF constituent entities: designing constructs of legal responsibility at regional level

Keywords: Federalism, differentiation of areas of jurisdiction, restriction of the rights, legal responsibility, administrative responsibility, equality, social and territorial equality

The article deals with the issue of whether RF constituent entities can design legal framework to regulate rights and freedoms guaranteed by the Constitution. The author, in particular, analyzes possible introduction of administrative responsibility at the regional level. According to the author, such approach is inconsistent with the interpretation of constitutional norms, and it violates the principle of social and territorial legal equality.

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Right to property: civil law norms (comparative analysis)

Keywords: Civil legislation, jus in rem, right to property, legal regulation, rights, possession, disposal, use

The article focuses on right to property, one of the fundamental categories of civil law. The author analyzes various legal approaches adopted in different countries for understanding of the concept, and, as a result, the author suggests revising and clarifying the relevant article of the RF Civil Code.

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Protection of copyright and related rights

Keywords: Remedies for infringement of copyright and related rights, claim on recognition of the right, restoring status quo, recovery, indemnification of losses, counterfeit items, 'statutory' indemnification of losses

Litigation practice has encountered quite a number of problems concerning recovery of losses and compensations as a result of infringement of exclusive rights. In this regard, it is necessary to analyze court practice on these issues, given the latest decisions of the RF Supreme Arbitrazh Court and Court of Intellectual Property. Such analysis reflects general trends in determining the mode of calculating the amount of losses and compensations, calculation of the claimed sum etc.

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Draft of Civil Code of Laws of the Russian Empire 1809—1814 and its significance for development of Russian civil law science. Article four.

Keywords: Draft of Civil Code of Laws in Russian Empire in 1809—1814, the French Civil Code 1804, Russian Civil law science in the early XIX century

The article concerns the norms of law of obligations which make the third part of the draft of Civil Code of Laws of the Russian Empire 1809-1814. The author compares the norms with respective norms of the Civil Code of France 1804.

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Recognizing government sponsored transactions void: theory and practice

Keywords: Invalidity of transactions, public contract, the state, public-law entity, state legal persons, intent and declaration of intent

The paper focuses on issues of legal theory and practice which arise out of recognizing government sponsored transactions (including public contracts) void. The author analyzes legal nature of intent and declaration of intention of the state (state organs) as well as state legal entities.

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Representation in civil and arbitrazh procedure: fees

Keywords: Court costs, representation fees, reasonableness, proportionality

The author analyzes some features of legal regulation of charging fees for representation. Also, the author analyzes related court practice of courts of law and arbitrazh courts.