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Distance governance of business entity in era of digital technology development

Keywords: Business entity; corporate governance; general meeting of shareholders; distance meeting; dispositiveness

The paper discusses the issues of legal regulation of corporate governance. In particular, the author analyzes the changes to the legislation providing for a possibility to hold distance meetings of shareholders highlighting the advantages and drawbacks of these changes. The analysis also covers the legal implications of such changes and possible ways of tackling them.

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On some issues of requalification of deliberate bankruptcy

Keywords: offenses in sphere of economy; crimes in sphere of economic activity; deliberate bankruptcy; qualification of offenses; requalification of deliberate bankruptcy

The article analyzes certain issues of requalification of deliberate bankruptcy at different stages of criminal proceedings. The authors have discerned the notion of requalification providing the rationale for legal reassessment. Based on practice materials, the authors analyze specific examples of deliberate bankruptcy and discuss the ways of tackling the issues of requalification under Art. 196 of the Criminal Code of the Russian Federation.

BURMISTROVA, Svetlana Alexandrovna

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Content and distribution of the burden of proof in disputes concerning

protection of public interests: new approach

Keywords: Protection of public interests; duty to prove; distribution of burden of proof; challenging normative legal and non-normative legal acts

Legislative provisions on administrative procedure and arbitrazh procedure in cases where parties challenge legal acts, actions (omissions) of authorities, officials and organizations provides for a duty to prove the legality of the challenged act, this duty falls on the authorities and persons who passed the impugned legislation or committed an illegal act (omission). Such an approach, according to the author, has numerous flaws, it is suggested that a proper duty under the burden of proof should be to prove illegality, thus such duty should fall on the claimants.

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Illegal interference of third parties with contractual relations

Keywords: third parties; damages; interference with other contractual relations; tort liability; contractual liability; joint liability; subsidiary liability

The author points out that tort liability of a third party for acting in bad faith is not subsidiary to contractual liability of the promisor. The author claims that third party liability represents a specific type of liability unrelated to the promisor's liability. The author concludes that third party interference constitutes an illegal act causing damage to contractual parties.

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Regulatory reform implications for wide-ranging reform of administrative enforcement: case of tax administration

Keywords: Mandatory requirements; state control; administrative responsibility; tax administration; digitalization; regulatory Guillotine; risk-oriented approach; tax risks; liberalization; administrative reform

The paper discusses the course of the reform and in particular laws on mandatory requirements, on state control (oversight) and municipal control as well as new drafts of administrative code and administrative procedure code and a law for their enactment. The author explains the necessity to overhaul all mandatory requirements, compliance control and liability for non-compliance or improper compliance.

PATSATSIYA, Malkhaz Shotaevich

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On legal nature of information letters of Russian Federation Presidium of Supreme Commercial Court

Keywords: Information letter of RF Presidium of SCC; precedent; source of law; legal construction; legal specification; legislative activity; law expository; law enforcement; management and auxiliary activity

The paper analyzes information letters of the Russian Federation Presidium of the Supreme Commercial Court, the author argues that these letters represent acts which expound on management and auxiliary activities of the Presidium.

PETKILYOV, Pyotr Igorevich

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NFT as object of civil law

Keywords: Non-fungible token; blockchain; digital rights; objects of civil rights

Digital era has brought on new objects of civil law, of which NFT has become an increasingly popular one. The paper aims to study the legal regime of NFT within the system of civil law objects. The author argues that NFTs should be qualified as other property.

SHITKINA, Irina Sergeevna

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Specific issues in regulation of director's work arising from status of director

Keywords: Chief executive officer; director; business entity; joint stock company; limited liability company; labour agreement; labour relations; corporate relations

The paper contributes to a series of publications on legal regulation of directors' work and procedures of formation of this office. The author discusses the specific issues of director's work regulation related to their status including the moment when director's office is established, the moment when labour relations with a director are formed, document providing for director's competences, conclusion of fixed-term contracts, and criminal liability of directors. Besides, contract formation and termination as well as corollary grounds for termination of director's contract are analyzed in the paper.

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Objects of crimes against intellectual property

Keywords: Intellectual property; subject of crime; object of criminal law protection

This paper discusses crimes against intellectual property. The author concludes that the scope of intellectual property objects should comprise objects expressed and not expressed on a material carrier, as well as counterfeit copies of objects of intellectual property.

TOMSINOV, Vladimir Alekseevich

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

Article sixty

Keywords: USSR; soviet jurisprudence; soviet administrative law; A.Ya. Vyshinsky

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses the report made by the USSR Procurator at the panel meeting on the issues and problems of the Soviet science of state and law held in July 1938.

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Notion of administrative barriers in business: theory and court practice analysis

Keywords: administrative barriers; quality of legal regulation; business activity; court practice

The paper analyzes the theoretical background and judicial interpretation of the term administrative barrier in business. The author underlines the importance of the judicial interpretation of the term at the same time pointing at certain problems in the judicial understanding of the legal nature of this notion. The author emphasizes the necessity to reach consensus on the proper definition of the term 'administrative barrier'.

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On issue of development of legislation of Russian Federation on justifiable defense

Keywords: Russian Federation State Duma; Russian Federation Government; Russian Federation Supreme Court; justifiable defense; exceeding the limits of justifiable defense; place of residence

The paper analyzes problems arising in situations when persons exceed the limits of justifiable defense when in their own place of residence. The author analyzes a draft of law introduced to the Russian Federation State Duma. After consideration, it received a formal review of the Russian Federation Government. The author provides examples from court practice which support the rationale of the legislator and the author of the paper.