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Examination of evidence in criminal cases: international legal assistance

Keywords: Official documents; evidentiary information; examination of evidence; procedural actions; international legal assistance; surety; mandate; foreign states; proof

The article raises topical issues related to the concept of international legal assistance required to check evidence in criminal cases. The author assumes that all evidence in criminal cases obtained on territory of a foreign state is subject to comprehensive examination.

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Liability of bankruptcy administrator: theory and practice. Part two

Keywords: Bankruptcy; liability; bankruptcy administrator; inevitability; proportionality; protection of rights of creditors; grounds for filing a case on administrative violation

Professional bankruptcy administrator is a key figure in the whole procedure of bankruptcy, since it is their responsibility to ensure due execution of the procedure by performing their powers. Based on court practice and statistics data, the author consistently examines types of liability applied to bankruptcy administrator. The author comes to a conclusion that under Russian legislation such liability is insignificant, implausible, it does not correspond neither to damage incurred nor to expenses related to holding them liable. The author also outlines a fact that creditors, especially minority ones, do not have effective instruments against improper actions of the bankruptcy administrator. The author underlines that such situation cannot be tolerated, and suggests his solutions to improve it.

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Non-judicial remedies to protect the right for retirement pension

Keywords: Protection of right for retirement pension; remedies; non-judicial remedies

The right for retirement pension as a type of social protection policy is considered to be one of the constitutional rights. To realize this right one has to establish an effective remedy of its protection. What are the peculiarities of non-judicial remedies? How are they distinguished from court remedies? Which procedure is more preferable?

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Law on national payment system: source of financial law

Keywords: National payment system; electronic money; monetary regulation; credit organizations; financial supervision; Bank of Russia

The article analyzes the place of laws on national payment system within Russian legal framework. What aspects of the law on national payment system are significant for financial law?

The article reviews some of the issues of financial and legal regulation of national payment regulation. The author gives a general overview of new provisions of the law on national payment system. The author gives justifications to a special function of the law, i.e. source of financial law.

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Unified regulator of financial markets: new response to modern challenges

Keywords: Unified regulator (megaregulator); Bank of Russia; financial stability; bank supervision; financial market supervision

The article reviews theoretical and practical aspects of the unified regulator (megaregulator), which is being developed by Bank of Russia.

The authors have studied premises which created this mechanism, its tasks, as well as possible positive and negative consequences, and existing international practice. In

the article the authors analyzed new legislation that determined the ways of creating the unified regulator.

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Challenge (recusal) of Commercial Court judge as guarantee of impartiality and independence of arbitrazh process

Keywords: Challenge (recusal) of a judge; impartiality; principle of objectiveness; abuse of a right to challenge; not fulfilling obligation to recuse

According to the author believes that challenging a judge or recusal of a judge can secure impartiality of a court proceeding. The author suggests changing relevant legal acts in order to better organize the procedure of prosecuting parties when they abuse their right to challenge a judge, as well as prosecuting judges for not fulfilling their obligation to recuse.

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Some methodological premises of general theoretical study of the court system and the system of court decisions review within civil procedure (scientific debate)

Keywords: Civil procedure; judicial branch; system of appeals; review of court decisions

Based on the doctrine of civil procedure the author outlines methodological premises for the study of the court system, system of appeal, and review of court decisions in civil procedure.

In the article the author considers 'fairness' as procedural category widely employed in civil procedure practice. According to the author, at present Russian law science and society are experiencing the period of conceptual revival in terms of understanding the phenomenon of court system and social value of appeals institutions, check and review of court decisions in civil procedure.

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Relative legal nature of actions in rem, protective right, and vindicatory law relations

Keywords: Substantive right; actions in rem; 'vindicatory law relations'; protective legal relations

Can we consider actions in rem to be a special substantive right? Can we distinguish vindicatory relations as independent? How are they related to a violated right in rem and an action?

Does the concept of protective law relations correspond to the Russian law tradition? Based on the doctrine of civil law the author suggest his own solution to these issues and other related issues of civil law.

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Development of Russian science of state law from XIX till early XX century: general outlook. Article two

Keywords: State law science; XIX century; political regime; censorship in Russia

The article focuses on rise of liberal ambience in Russia in the late 50s - early 60s of the XIX century and censorship reform. The reform contributed to further development of the Russian science of State Law. It also influenced Russian state law scholars who turned to the study of institutions of the Russian State of that time.

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Downpayment: problems of purchase and sale agreements

Keywords: Downpayment; function of downpayment; downpayment agreement; advance payment; preliminary agreement; main agreement; residential purchase and sale agreement

Questions of downpayment under residential purchase and sale agreements have become a burning issue. There is a big debate on admissibility of downpayment under purchase and sale agreements, although downpayment has already entered common practice. Having analyzed existing legislation, trends of its development, and court practice, as well as traditions of Russian and foreign law the author supports possibility to use downpayment before signing residential lease agreement.