

BELOV, Vadim Anatolievich

Doctor of legal sciences
Professor
Department of commercial law and legal method
Lomonosov Moscow State University Law School

Article 310 of the Russian Federation Civil Code and effect of unilateral repudiation: termination, modification, discharge

Keywords: Obligation; contract; unilateral repudiation; unilateral modification of obligation (contract)

Continuing the discussion of unilateral repudiation, the author considers legal implications entailed by different acts of unilateral repudiation or modification falling under the scope of the Article 310 of the RF Civil Code: termination of contract, discharge, modification of contract conditions and obligations. The analysis revealed a number of pressing problems in the applicable legislation; it also provides insights into correlation between the concepts of contract and obligation.

KHODAKOVSKIY, Andrey Petrovich

Advocate
Director of INTER Moscow Bar Association

Priority of debts in insolvency proceedings

Keywords: Bankruptcy; register of creditors' claims; priority of claims; credit and corporate relations; intercreditor agreement; legal framework for priority of claims

Provisions regulating priority of debts in bankruptcy are rarely applied nowadays. Their application often deals with corporate assets or affiliation of controlling persons. Such practice shows the insufficiency of legal regulation of priority order of debts, which underlines the necessity of introducing the mechanism for independent prioritization of debts.

KHNYKIN, Gennadiy Valentinovich

Doctor of legal sciences
Professor
Associate professor
Department of labor law
Lomonosov Moscow State University Law School

National standards of labor protection: their legal nature and application

Keywords: Labor protection; labor protection; labor safety standards; employee involvement

The article analyzes the complex legal nature of national standards on labor protection. Such standards incorporate cutting-edge ideas and international practices concerning the legal regulation of employees' safety; they also represent a prototype of relevant legislative and other regulatory acts.

KONOVALOV, Andrey Mikhaylovich

Legal counsel

Extending scope of liability for default on maintenance obligations

Keywords: Maintenance payments; liability for default on maintenance obligations; fault; penalty; malicious default on maintenance obligation

The author analyzes the enforcement of the Article 115 of the Russian Federation Family Code and concludes that it has certain impediments for the effective enforcement of rights and redress for the claimants seeking child maintenance payments. The author shares his suggestions on improving the Article.

KOMARIKOVA, Sofia Alekasdrovna

Candidate of legal sciences
Research associate of research department
Omsk Academy of the Ministry of the Interior of the Russian Federation

Causal connection in criminal traffic offenses: actions of victim and health workers

Keywords: Criminal responsibility; causal connection; violations of traffic rules; violation of vehicle operation rules; victim; pedestrian; health worker

Law enforcement officers often face difficulties when determining the main cause of serious injury in criminal traffic offenses. Among factors which impede the assessment of factors are those related to certain actions of the victim and health workers. Considering the court decisions in relation to the Article 264 of the Russian Federation Criminal Code the author analyzes various implications of such actions in cases of criminal traffic offenses.

KRUTIKHINA, Polina Vladimirovna

Postgraduate
National Research University Higher School of Economics Faculty of Law

Criminal infraction: from theoretical model to practical realization

Keywords: Criminal infraction; criminalization; decriminalization; criminal policy

The author analyzes the prospects of re-introducing the concept of criminal infraction, taking into account relevant foreign practice and available historical experience of Russia. The author suggests that criminal elements with presumed administrative prejudice should be substituted with criminal infractions. The author also considers the questions of attempted infraction and related preparatory activities.

NIKIFOROV, Andrey Nikolaevich

Postgraduate
Department of municipal law
Peoples Friendship University of Russia Law Institute

Constitutional status of territorial entities with special status

Keywords: Administrative entity with special status; constitutional status; local governments; federal authorities; territorial organization

The author studies the possibility and advantages of codification of the institute of territorial entities with special status. The author outlines the features of legal regulation of such entities and suggests a new definition of the concept. The author explains the rationale for the adoption of a special law which would regulate and lay down the status of such entities.

PETROV, Alexey Yakovlevich

Doctor of legal sciences
National research university Higher School of Economics
Honorary worker of higher education of Russian Federation

Employees' compensation in personal injury cases: employee insurance coverage

Keywords: Damages for personal injury; employee insurance; short-term disability; insurance payment

The author analyzes the key issues related to employees' compensation in personal injury cases. The analysis draws on the review of the applicable provisions of labor legislation and relevant court practice.

SHCHENNIKOVA, Larisa Vladimirovna

Doctor of legal sciences
Professor
Head of Department of civil law
Kuban State University Law Faculty

Easement and its modernization

Keywords: Civil law; property law; nonpossessory property rights; easement; modernization; court practice

The court practice shows that nowadays easement has turned into a bone of contention. The author points out that such situation is the result of the deficiencies of applicable law, meanwhile the provisions of section II of the Russian Federation Civil Code "Property law" may provoke new clashes between the parties.

SMUSHKIN, Aleksandr Borisovich

Candidate of legal sciences
Associate Professor
Department of criminal law and procedure
Povolzhie Law Institute
All-Russian State University of Justice
Associate Professor
Department of forensic science
Saratov State Law Academy

Electronic investigative actions

Keywords: E-justice; electronic evidence; electronic check; digital search; search raster; site inspection; e-seizure

Electronic investigative actions are gaining new meaning in digital era. The author analyzes the proposals regarding the introduction of new provisions on electronic investigative actions (including the inspection of electronic ware, control over electronic communication and electronic copies) to the Russian Federation Criminal Code. The analysis invokes relevant foreign practice.

TOMSINOV, Vladimir Alekseevich

Doctor of legal sciences
Professor
Lomonosov Moscow State University Law School

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

Article twenty-eight

Keywords: USSR; repressions; A.Ya. Vyshinsky; I.V. Stalin; N.I. Bukharin; A.I. Rykov

The article is another piece in the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. Drawing on the analysis of the archives the author unveils the details of pre-trial work on the case of N.I. Bukharin in which A.Ya. Vyshinsky played the key role as the USSR Procurator General.

ZAYKOV, Denis Evgenievich

Candidate of legal sciences
Associate professor
Department of civil law and civil procedure
Russian University of Transport

Court representation: requirements to representatives, prohibition on representation

Keywords: Court representation; representative; court; legal education; prohibition; judge; assistant judge; arbitrator

The recent major changes to the civil procedure provisions have touched upon the legal regulation of court representation. The article outlines the loopholes in the concept of court representation and describes possible ways of their elimination.

ZHUK, Oleg Dmitrievich

Doctor of legal sciences
Professor
Moscow State University Law School
Russian Academy of Natural Sciences
Academician
Higher Attestation Commission
Member of expert board

Nomenclature and specifications of research specializations in law: call for changes

Keywords: Higher Attestation Commission; nomenclature of research specializations; specification of research specializations; consolidation of research specializations; thesis examining committee

The author discusses the review of the outcomes of candidate and doctoral theses defenses held in 2018. The author outlines the main issues that need to be tackled; in particular these refer to the nomenclature of research fields and specializations in law.