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ALEKSANYAN, Artur Ferdinantovich

Postgraduate
The Russian Presidential Academy of National Economy and Public Administration
Speransky Law Faculty
Lawyer
"FarmDomService" (LLP)
Armo8484@mail.ru

Non-profit organization: bankruptcy and replacement of assets

Keywords: Insolvency (bankruptcy); non-profit organization; replacement of assets; official receiver; business activity

At present existing laws do not define exactly the bankruptcy status of non-profit organizations. The author of the article attempts to determine specific features of such status through lens of asset replacement which constitutes a special procedure organized at the stages of external management and bankruptcy administration.

BELIKOVA, Ksenia Mikhailovna

Doctor of legal sciences
Professor
Department of civil and employment law
Associate professor
Peoples' Friendship University of Russia
belikovaksenia@yandex.ru

AKHMADOVA, Mariam Abdurakhmanovna

Postgraduate
Peoples' Friendship University
of Russia Law Institute
4ernijkvadrat95@gmail.com

International commercial arbitration in Russia: main approaches to legal regulation

Keywords: International commercial arbitration; arbitration; RF Administrative Procedure Code; RF Civil Procedure Code, commonly accepted tenets; international trends; Base Law UNCITRAL 1985

The authors discuss the existing approaches to legal regulation and work organization of international commercial arbitration in Russia. The authors highlight its legal framework (norms of RF Administrative Procedure Code, RF Civil Procedure Code and other laws). The article shows how Russian legislation reflects commonly accepted tenets and international trends; it also highlights some problems related to the work of international commercial arbitration in our country.

KHOKHLOVA, Elena Pavlovna

Postgraduate
Lomonosov Moscow State University Law School
Legal advisor
"Promsvyazbank" (PJSC)
alenapavlovna2009@gmail.com

Seizure of shares in criminal procedure

Keywords: Criminal procedure; seizure; uncertified share; shares; decision approval; shareholder list approval

The author analyzes how shares are used in case of their seizure and problems related to their use. The author suggests ways of eliminating such problems.

KILINKAROV, Vladimir Vitalevich

Candidate of legal sciences
Senior research assistant
Saint-Petersburg State University Law Faculty
Partner
Head of department for public-private partnership
'Maxima Legal' law firm
v.kilinkarov@maximalegal.ru

Institutional public-private partnerships: concept and legal framework

Keywords: Public-private partnership; state-private partnership; institutional PPP; concessions; public-private partnership agreement; concession agreement; PPP company; project company; joint enterprise; infrastructure project; tender

The author analyzes the concept of public-private partnerships, understanding of this notion in foreign practice, its main features, its advantages and disadvantages compared to traditional contractual partnerships. The author analyzes the problems arising from the practice of PPP in Russia and speaks about measures to improve the existing legislation.

LORENTS, Dmitriy Vladimirovich

Candidate of legal sciences
Associate professor
Department of civil law and civil procedure
National Research South Ural State University
lord-dv@mail.ru

Astreinte in Russian law system

Keywords: Astreinte; penalty; interest for use of money; negatory action

The author analyzes the legal nature of enforcement measure applied in case debtor fails to enforce a judicial decision on non-monetary claims. This type of legal enforcement was enacted as of June, 1 2015 in the RF Civil Code. The author studies foreign practice of application of astreinte, in particular, legal practice of France, Belgium, Italy and other countries. The author studies prospects of development of astreinte as court penalty

MUSIENKO, Tatiana Viktorovna

Postgraduate
Lomonosov Moscow State University Law School
Clerk
Moscow district military court
tatyana_musienko@mail.ru

Determining subject-matter jurisdiction in criminal cases

Keywords: Competent court; criminal jurisdiction; justice of the peace; district court; regional courts; courts of similar jurisdiction; military court

The author focuses on the problem of determining subject-matter jurisdiction of criminal cases. Based on the analysis of relevant legislation and law enforcement practice the author outlines some problems of assigning criminal cases between different types of courts and levels of court system.

POLONETSKAYA, Elena Vladimirovna

Postgraduate
Department of Civil Law
Lomonosov Moscow State University Law School
Associate at Freshfields 'Bruckhaus Deringer' (LLP)
elena.polonetskaya@gmail.com

Accessory as causa of security

Keywords: Accessory; causa; types of security; bank guarantee; independent guarantee

The author analyzes the impact of theory of causa on the institute of security within Russian law system. In particular, emphasis is made on the construct of bank guarantee; the author analyzes relevant court practice.

TOMSINOV, Vladimir Alekseevich

Doctor of legal sciences
Professor
Lomonosov Moscow State University Law School
tomsinov@yandex.ru

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

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

The article deals with the problems of protecting the right of possession and possible resolutions thereof provided in the Code of laws of Russian Empire, Civil code of Germany, and Russian Civil code of laws in the early XX century.

ULBASHEV, Alim Khuseinovich

Postgraduate
Department of civil law
Lomonosov Moscow State University Law School
alim-ulbashev@mail.ru

Good faith as a concept of civil and tax law

Keywords: Good faith; presumptions and principles in civil and tax law; evaluative notions

The notion of good faith is one of the most popular evaluative notions. The author compares application of this notion in civil and tax law. Good faith is considered as a basic category and the most important criterion for actions of a legally bound person.

ZAKALUZHNYAYA, Natalia Valerievna

Candidate of legal sciences
Associate Professor
Department of civil law sciences
Petrovskiy Bryansk State University
natzaklaw@yandex.ru

From domestic work to distant employment: analogies and differences

Keywords: Employee; employer; labour agreement; distant employment; domestic work; analogies; differences

The model of distant employment removes existing gaps in regulation of non-standard labour relations. In modern conditions it is necessary to adjust Russian labour law to new developments in labor relations and forms of labour organization. To this end, the departure point may be taken from similar relations such as domestic work.

The author compares domestic labor and distant labor respectively.

ZOLOTUKHIN, Alexey Valeryevich

Candidate of legal sciences
Associate professor
Russian-Tajik (Slavonic) university
Law Faculty
Head of department of civil law
mczolotoy@rambler.ru

Formation of insurance relations in modern Tajikistan

Keywords: Insurance; decline; diya; social insurance; insurance against loss; marine and commercial loans

The early developments of insurance relations, which emerged in historical Tajikistan several centuries ago and were effective under Muslim law, failed to become a part of commercial law. The author explains why the institute of insurance appeared and developed in Tajikistan as a borrowed institute only from the XIX century after accession to the Russian Empire.