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CONTROLLED INDEBTEDNESS TO OFFSHORE COMPANIES: DEVELOPING TRENDS IN COMMERCIAL COURTS DECISIONS

Keywords: controlled indebtedness, foreign offshore company, agreements on prevention of double taxation, discrimination

The author examines the application of rules on administrative payables to Russian taxpayers involving foreign investments in terms of international treaties proscribing discrimination against both foreign companies (including offshore companies) and Russian companies involving foreign capital. This problem has become particularly important after the President of the Supreme Commercial Court of the Russian Federation held that "Severny Kuzbass" Coal Company's indebtedness to the offshore foreign company was found controlled.

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BONA FIDE PRINCIPLE IN CIVIL LAW

Keywords: conception of further development of civil laws, principles of civil law, bona fide, reasonableness, circumvention of law

The well-known bona fide principle dating back to Roman times is still one of the most controversial legal concepts. What is bona fide? Is bona fide a civil law principle? Should bona fide be expressly laid down as the major principle of civil law?

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THE EVOLUTION OF LEGAL REGULATION OF SHIP-OWNERS' CIVIL LIABILITY INSURANCE IN THE RUSSIAN FEDERATION

Keywords: legal regulation mechanism, laws on sea insurance, rules of mutual insurance clubs, Ingosstrakh, rules of foreign port entry, international conventions on liability for vessel-source pollution

The relations arising from ship-owners' civil liability insurance are governed by a number of legal instruments including national legal laws, international legal acts, rules and/or insurance contract. The combination of legal instruments changes in the course of time. What are the changes caused by? How do elements of legal regulation mechanism relate to one another in different time periods?

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SMUGGLING OF CULTURAL VALUES AS A CRIME IN THE ECONOMIC SPHERE

Keywords: crimes in the economic sphere, custom crimes, smuggling of cultural values, principle of guilt, objects of smuggling

Smuggling of cultural values has become a frequent and unfortunately rarely solved crimes. Numerous works of art have been smuggled from Russia abroad and are forever lost for Russia. The crime is described in criminological terms in the article. Some objective and subjective elements of the crime defined as smuggling of cultural values are examined which distinguish it from other related crimes.

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FORUM PROROGATUM IN CONSUMER CREDIT DISPUTES BETWEEN BANKS AND INDIVIDUALS: JUSTIFICATION OF CHOICE OF JURISDICTION CLAUSE IN CREDIT AGREEMENTS

Keywords: jurisdiction, competence, forum prorogatum, prorogated jurisdiction, consumers, venue, prorogation of jurisdiction, consumer protection, bank, credit, credit agreement, borrower, imperative jurisdiction, optional jurisdiction, Code of Civil Procedure, civil procedure

Jurisdiction matters are highly important in terms of accession to justice and individual rights protection in consumer credit area. The study of a great number of sources including the latest judicial opinions (including the draft Review of Private law Department of RF SCC), of foreign legal experience has made it possible for the author to propose new way to solve the existing problems.

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THE 20-TH ANNIVERSARY OF RUSSIAN COMMERCIAL COURTS

Keywords: Commercial court, Commercial procedural Code, of the Russian Federation, Supreme Commercial court, of the Russian Federation, review, appeal, supervisory court

Russian commercial courts are 20 in 2012. The author had been the Chief Secretary of the Russian Supreme Commercial Court for a long time. He analyses the effects of operation of commercial courts system for the last decades and set out its nearest goals.

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SOME ISSUES OF FORENSIC INVESTIGATION ORDERED IN CRIMINAL PROCEEDING

Keywords: Court decision, expertise performance, inadmissibility of evidence, legal reasoning of judgments, preliminary investigation, special knowledge, criminal justice

Can forensic investigation be ordered before commencement of prosecution? What specific reasons are behind the court orders on forensic investigation at different procedural stages? The examination of problems arising upon forensic investigation orders are issued is illustrated by judicial decisions. Court orders are classified according to the specific reasons behind them.

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CONSTITUTIONAL ISSUES IN RUSSIA IN THE 1860S—1880S (COMMEMORATING EMPEROR'S ALEXANDER II DEATH IN 1881). ARTICLE ELEVEN.

Keywords: constitution, reforms, constitutional issues in Russia, reform proposed by M.T. Loris-Melikov, K.P. Pobedonostsev, Alexander III

The article describes political and ideological struggle around the introduction of public representation and prospects of monarchy in Russia during the first months of Alexander III reign. The events which occurred in April 1881 in connection with M.T. Loris-Melikov's governmental reform proposals are displayed and examined by the author.

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APPLICATION OF MODERN CRIMINALISTICS DATA IN LAW ENFORCEMENT AND OTHER LEGAL ACTIVITIES IN THEORETICAL AND PRACTICAL TERMS

Keywords: criminalistics, criminalistic technologies, theory and method of criminalistics

The prospective application of criminalistic means, devices, methods and techniques to examination of evidence and other important criminalistic information in civil and commercial proceedings is discussed in the article. Criminalistics tools are in great demand in legal activities particularly where administrative offences are decided, frauds in banking are investigated, corporate disputes caused by lack of interests coordination and increased tension between the members should be resolved.

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INTERDEPARTMENTAL INTERACTION OF ADMINISTRATIVE AGENCIES IN RENDERING OF PUBLIC (MUNICIPAL) SERVICES

Keywords: public (municipal) services, one stop-shop principle, interdepartmental information interaction, e-Government

Since July, 1, 2011 while rendering public and municipal services, administrative agencies may not require documents and information which are in other agencies' disposal from citizens and ought to make a request to the respective agencies themselves. The authors examine the major issues subject to regulation in the area of information interaction of administrative agencies in the field in question.