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Problems of distinguishing between cartel agreements and conspiracy outlawed by antimonopoly legislation of Russian Federation

Keywords: Cartel agreement; anticompetitive agreement; conspiracy; competition; antimonopoly legislation

The paper discusses the relationship between 'cartel agreement' and 'conspiracy'. The discussion shows that anticompetitive conspiracy may be constituted by an agreement (arrangement) and thus represent a more significant risk for competition compared to cartel.

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Post graduate program of studies: requirements

Keywords: Postgraduate program; higher education; science; dissertation; science degree; Federal state requirements

In the previous paper the authors analyzed the changes to the standard of postgraduate programs in Russia that are to take effect in 2022-2023. Following this discussion, the researchers analyze the programs for training of scholars and faculty staff undertaking postgraduate studies following the adoption of the latest changes.

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Execution of international commercial contracts during COVID-19 pandemic: foreign and Russian legal regulation

Keywords: International commercial contract; force majeure clause; hardship clause; hardship; new lex mercatoria; UNIDROIT Principles; COVID-19

The paper presents the results of comparative study of legal approaches to the execution of international commercial contracts in the USA, UK, European countries and Russia during the COVID-19 pandemic. The research shows that the legal mechanisms and legal implications for the parties and contract performance may vary depending on the governing law and circumstances encountered by parties.

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Posthumous donation: in search of optimal legal regulation

Keywords: Transplantation; organ donation; right to privacy; dignified treatment of body after death

Presumed consent to posthumous organ donation has sparked a debate over a conflict of personal rights such as right to life and right to privacy. The adoption of law on organ donation elaborated by the Russian Federation Ministry of Health Care will reconcile the opposing sides.

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Local practice of regulating labour relations after transition to piece-rate pay system in medical organisations

Keywords: Remuneration of medical workers; work pay system; collective employment agreement; bylaws

The paper analyzes legal measures adopted by the government as well as federal and regional authorities to implement 'flexible approaches to the regulation of work pay' in medical institutions. The author discusses the procedures for signing labor agreements with workers in the case of transition to piece-rate work pay subject to labour legislation norms.

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Public law impact on private law relations

Keywords: Methods of public law influence; prohibitions in law; limitation of rights, abuse of rights, good faith

The paper presents the author's novel approach to the distinction between private and public law and determination of public-law impact on private law relations. The author considers prohibitions (in broad sense) as one of the methods of such determination. Besides the author considers the principles for evaluation of subject's conduct; determination of public law responsibility for certain types of conduct under private law relations; distinction between the legal consequences of an offence under private law and public law provisions.

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Problems related to implementation of right to priority-order housing and additional living space

Keywords: Contract of social rent; disabled persons; right to priority-order housing; right to additional living space

The practice of implementation of these rights oftentimes goes along with problems of appropriate interpretation and application of pertinent legal norms. The acts of housing legislation have no retrospective effect, thus any amendments introduced after a person is registered as a person eligible for improved housing conditions should not entail revocation of such right.

SEDNEV, Viktor Alexandrovich

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Payment of share capital with digital assets

Keywords: Corporate law; share capital; digital assets; digital currency

The paper examines the possibilities of paying share capital with digital assets under Russian and foreign legislation. Under Russian law corporation may use digital assets to pay the share capital, however the existing legal regulation requires further development and improvement to avoid possible collisions.

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Anti-dumping Regulation of unrecognised state: evidence from Taiwan

Keywords: Anti-dumping measures; treaty; unrecognised state; Taiwan; WTO

National producers need protection implemented through application of anti-dumping measures. Adopting legal acts to protect the interest of national manufacturers is a common practice yet if a state does not have production of generics or competing goods the anti-dumping law will not apply. Yet, every rule has exceptions — one of such exceptions is anti-dumping regulation in Taiwan.

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Risk of losing status of self-regulatory organization in construction sector due to bankruptcy of credit institution

Keywords: Self-regulating organization in construction sector; compensation fund; credit organizations; bankruptcy; Rostekhnadzor; replenishment; status

Based on the research the author concludes that the compensation funds deposited in an insolvent credit organization should be accounted, when determining the amount of the Compensation fund of a self-regulatory organization working in the construction sector, before completion of the bankruptcy proceedings against the credit organization. Applicable legislation should be amended respectively.

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

Article fifty-eight

Keywords: USSR; soviet jurisprudence; general theory of state and law; A.Ya. Vyshinsky; N.N. Polyanskiy

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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On changes to legislation on detention of investigated persons and convicts in detention facilities of penal system initiated by Russian Federation Ministry of Justice

Keywords: Complaint; European Court of Human Rights; crime; officials; law enforcement; Federal Penitentiary Service of Russia; pre-trial detention facility; temporary detention facility; punitive confinement; imprisonment; detention

The paper discusses the problems of detention of investigated persons and convicts held in detention facilities of the penal system. The author analyzed the practice of the European Court of Human Rights involving cases regarding the conditions of detention of persons held in detention facilities of the Russian Federation penal system. The author further discussed proposed changes contained in a respective bill initiated by the RF Ministry of Justice, which introduces changes to the Rules of detention of investigated persons and convicts held in detention centers of the penal system.