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Respite: problems of execution

Keywords: Respite, person under respite, grounds for granting respite

The author discusses the problems related to interpretation and application of the concept of respite. The article examines the grounds for granting respite, control over its execution, and effects of positive and negative factors on the content of this concept. In conclusion the author proposes his own version of the Article 82 of the RF Criminal Code and amendments to the Article 82 of the RF Criminal Procedure Code.

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Rules of controlled foreign companies and principle economic basis of taxes

Keywords: Offshores, controlled foreign companies, deoffshorization, tax planning.

It is obvious that rules of controlled foreign companies will soon be incorporated into Russian law of taxation. Relevant draft of law proposed by the RF Ministry of Finance Law has been discussed by scientists and practitioners of taxation law. The article raises the issue of whether this institution meets one of the principles of taxation — economic basis of taxes.

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Monetary laws in Russia and abroad: from monopoly to regulation — and back?

Keywords: Monetary regulation, monetary restrictions, monetary control, authorized banks, financial institution, People's Republic of China, Republic of Argentina, Bolivarian Republic of Venezuela

Due to the devaluation of national currency the questions of protecting national currency and monetary regulation are getting more acute. Therefore, it seems relevant to analyze and compare the Russian approach in monetary regulation and compare it with those applied in a number of countries which have adopted various measures of regulation. The author compares the methods used in China, Venezuela, and Argentina.

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Perpetrator of obtaining a loan illegally: main features

Keywords: Loan, perpetrator, head of organization, sole proprietor, obtaining a loan illegally, criminal intent, continuing crime.

Based on the analysis of court practice the author outlines the features of perpetrators of crime as provided in the Article 176 of the RF Criminal code. The article focuses on the concepts of guilt, as well as on those criteria which determine continuing crime related to obtaining a loan illegally.

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Correlation between 'joint property of spouses' and 'community property': theory and practice

Keywords: Concepts, notions, terms, property relations, joint property of spouses, community property

The article focuses on one of the key theoretical issues, i.e. correlation between the notions of 'joint property of spouses' and 'community property'. The author analyzes the issue from the point of Russian family law, and analyzes current legislation and court practice.

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Applying provisions on substantial change in circumstances in the law of obligations

Keywords: Substantial change in circumstances, amending and terminating a contract, behavior-economic approach, foreseeability, balance between the interests of the parties

The author focuses on the issues of defining the criteria for applying the provisions of Article 451 of the RF Civil code. The author analyzes certain elements of the concept of substantial change in circumstances through the lens of conceptual foundations of the economic school of law and behavioral jurisprudence.

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Out of court disposition of claims on provision of public (municipal) services: comparison with common (in-court) procedure of claims disposition and issues of its application

Keywords: Petition; out-of-court petition; right to petition; public (municipal) services

The author determines the place of out-of-court disposition of claims on provision of public services within the framework of constitutional rights in particular the right to petition. The author analyzes the specifics of such out-of-court procedure and the feature of the traditional procedure (including subject, form, procedure and terms of consideration, responsibility, availability of internet-portal for out-of-court disposition). The author formulates recommendations on the practical effects of the out-of-court consideration.

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Crime as a social action: criminal law assessment

Keywords: Crime, elements of crime, social action, criminal law assessment

The author analyzes the issue of whether criminal law constructs can be applied within existing model of criminal procedure. In particular, the issue concerns whether adversary system allows effective use of concepts of criminal law qualification of situations, which nature is similar to crime. The structure of social action is presumed to be a principle for critical analysis of the constructs as elements of the crime.

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Establishment of corporate control: concept, grounds and legal consequences

Keywords: Corporate law, corporate control, controllers, head company, affiliate company, responsibility of controllers, lifting the corporate veil, fiduciary duties

What is corporate control? Where does it stem from? Does the controller have obligations before the corporation, its minority stakeholders and third parties? What mechanisms should be adopted to allow minority stakeholders and third parties to indemnify losses incurred by the controller? The article offers answers to the questions based on analysis of law constructs of the Russian and American law systems.

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Draft of Civil Code of Laws of the Russian Empire 1809—1814 and its significance for development of Russian civil law science. Article two

Keywords: Draft of Civil Code of Laws in Russian Empire in 1809—1814, Russian Civil law science in the early XIX century, M.M.Speransky

The article is devoted to 'The Comments' by M.M.Speransky regarding the draft of Civil code of 1809, which was written for the members of the State Council in 1810—1812. Currently this document is kept in the Russian State Historical Archive and it has not been published yet.