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## BELETSKIY, Ilya Alexandrovich

Candidate of legal sciences  
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Omsk Academy of the Ministry of the Interior of the Russian Federation

### Application of moratorium on consideration monetary claims of creditors outside insolvency proceedings

**Keywords:** Insolvency; bankruptcy; moratorium on consideration of claim; creditors' claims

The practice whereby courts set aside consideration of creditors' claims out of insolvency proceedings does not take into account the connection between certain provisions of procedural rules. The paper explores the circumstances and conditions under which the courts may impose a moratorium on consideration of creditors' claims outside insolvency proceedings.

## DEMCHUK, Sergey Dmitrievich

Candidate of legal sciences  
Associate professor

## KOKOSHIN, Ivan Mikhaylovich

Legal counsel

### Developing legal regulation of criminal responsibility for trafficking of gemstones, precious metals, and pearls

**Keywords:** Trafficking; precious metals; gemstones; jewelry; differentiation of criminal responsibility

Violation of rules for gemstones trade has negative implications for the financial system, it leads to economic losses and even poses security risks. Based on a comprehensive analysis of the application of the Article 191 of the Russian Federation Criminal Code the author argues further developments in the applicable legislation are needed in order to enhance its effectiveness and to specify its scope.

## KACHALOVA, Anna Valerievna

Candidate of legal sciences  
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### Conflict between corporate and family law rules

**Keywords:** Regulation of joint marital property; prenuptial agreement; share; LLC equity interest; shareholder's rights; corporate governance; corporate relations; members of corporation; legal entities

In a number of cases involving the settlement of property issues between spouses one may observe a conflict between the rules of corporate and family law as those regulate such type of relations in different ways. The author discusses the legal nature of the issues arising from such cases and analyzes the relevant court practice.

## KICHIGIN, Sergei Vladislavovich

Legal advisor  
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### Termination of employment contract with athlete

**Keywords:** Labor of athletes; termination of employment contract; disqualification; anti-doping; labor legislation; sports law; professional sports

The paper analyzes the procedure for the termination of employment contract with athletes. The analysis revealed significant defects in the labour legislation concerning the secondary grounds for the termination of employment contracts. The author discusses further possibilities of developing the applicable legislation.

## LAPTEVA, Anna Mikhailovna

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### Capital investment promotion and protection agreements in context of investment legislation

**Keywords:** Investment; investment agreement; capital investment promotion and protection agreement; investment legislation

Capital investment promotion and protection agreements are one of the investment instruments used to promote the cooperation between public and private entities. The paper examines the provisions of such agreements, related concepts and categories and defines its position in the classification of investment agreements.

## MUSARSKII, Sergei Vladimirovich

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### Why chicanery is not abuse of rights under Russian law

**Keywords:** Abuse of right; chicanery; infliction of harm; Civil Code Art.10; bankruptcy

Numerous court decisions based on Art.10 of the Russian Civil Code in which courts established abuse of rights with the intention to inflict harm to another party turned out to be erroneous and discrediting the idea of chicanery prohibition. A commonly held scholarly view that chicanery is abuse of right causes justified objections. The author challenges the prevailing view and calls for further discussion and analysis of the abuse of rights.

## PODEIKO, Vadim Andreevich

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### Abuse of right to petition public authorities in Austria: legal implications

**Keywords:** Abuse of right; administrative procedure; administrative liability; coercive measures; Austria

The paper examines the essence and application of administrative measures set out in Austrian legislation for cases whereby citizens abuse the right to petition a public authority. The author discusses, in particular, the application of specific types of fines and the possibilities for implementing Austrian practice in Russia.

## SHERSTYUK, Vladimir Mikhailovich

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### Principles in context of civil procedure law

**Keywords:** Civil procedure law principles; branch of civil procedure; system; institute; level of system

The paper examines the body of civil procedure law principles which are to be regarded as a non-systemic (summative) set of principles. Being still unexplored by the scholars the issue calls for further analysis in the context of civil procedure law studies. New approaches to the analysis of such principles will contribute to the development of legal science.

## TAMBIEV, Ruslan Magometovich

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### Effect of Russian transfer pricing rules during COVID-19 pandemic

**Keywords:** Transfer pricing; tax; safe harbor interval; COVID-19; draft of law; OECD

The paper analyzes the application of transfer pricing rules under the Russian Federation Tax Code during the period of COVID-19 pandemic. The author discusses the possibilities for further refinement of the currently debated proposals regarding the application of certain provisions of the Russian Federation Tax Code during the period of COVID-19 pandemic.

## TOMSIKOV, Vladimir Alekseevich

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### Andrey Yanuarievich Vyshinsky (1883—1954): statesman and legal scholar. Article forty-seven

**Keywords:** USSR; mass repressions in 1937—1938; I.V. Stalin; N.I. Bukharin; L.D. Trotsky

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The paper examines the proceedings in the case against N.I. Bukharin, A.I. Rykov, G.G. Yagoda and others.

## VINOKUROV, Vladimir Anatolevich

Doctor of legal sciences  
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Honored Lawyer of Russian Federation

### Publishing law review articles: exercise of author's right to free expression

**Keywords:** Constitution; freedom of expression; scholarly article; bibliography; plagiarism check; review

The paper examines the problems authors encounter when submitting their articles for review and further publication from the perspective of freedom of expression as guaranteed by the Russian Federation Constitution. It specifically covers the legal framework which pertains to the process of review and publication of such papers. The analysis is concluded with a number of recommendations regarding mandatory and supplementary requirements set out for the papers submitted to peer-reviewed journals.

## VOROZHEVICH, Arina Sergeevna

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### Role of material part concept in defining scope of exclusive rights

**Keywords:** Exclusive right; material part; quantity and quality criterion; creative work; originality; character; title

The paper examines the concept of material part (material elements) of a creative work which is used to define the scope of exclusive rights. The legal requirements for the protection of titles and characters are considered. Thus the author discusses the possibilities of overcoming the 'stumbling blocks' in court practice which concern the proper definition of a character — whether it should be qualified as part of creative work or an independent original work; whether occurrence of several characters from the same original work constitutes one or several infringements.

## ZABRAMNAYA, Elena Yurievna

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### Legal behavior in sphere of dependent labour as subject of research

**Keywords:** Legal conduct; legal behavior; legal responsibility

The paper outlines the necessity to study the issues of legal behavior in the sphere of dependent labour. It describes the main characteristics of legal behavior which are determined by the specific nature and the legal method of labour law.