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Anti-trust legislation in USA and Europe: impact of economic theory

Key words Anti-trust laws; laissez-faire policy; principle of reasonableness; competition; cost-benefit analysis; Freiburg School; Chicago School

The article provides a perspective on the evolution of views on anti-trust legislation of the USA since 1890. The author also discusses the impact which anti-trust laws had on the development of the European tradition of such regulation. The analysis of the background of the anti-trust regulation helps to assess the impact of the economic theory on its development.

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Legal aspects of hedging by OTC derivatives (USA practice)

Key words Hedging; derivatives; stock exchange; clearing; principal counterparty; derivative; forwards; swap

Based on the analysis of American practice the author discusses key legal issues arising from the execution of OTC derivatives for the purposes of hedging. The author emphasizes a number of benefits inherent to contract constructs of OTC derivatives as opposed to exchange-traded contracts when it comes to reduction of risks. The author also raises the issue of legal regulation of derivatives market given the need to reach the balance between limiting the risks of the state fiscal policy and incentivizing of hedging as effective way of reducing the risks of businesses.

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Malfeasance in office and larceny committed in official capacity

Key words Crimes against property; crimes against company interests; crimes against state service interests; abuse of power; malfeasance in office; fraud; misappropriation and embezzlement; crimes done in official capacity

The author analyzes the elements of malfeasance in office and larceny committed in official capacity as well as criteria for distinguishing the two criminal offences under the Russian legislation. The most complex aspects are exemplified by court practice cases.

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Marital property acquired through business: law and legal practice

Key words Sole proprietor; marital property of spouses; reform of property law; separation of marital property

The article analyzes the problems of legal regulation of the marital property of spouses involved in business activity. The author in particular stresses the importance of the latest rulings of the RF Supreme Court dealing with these issues.

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Fair limits of prejudicial effect in civil procedure

Key words Grounds for release from proof; prejudice; adversarial system

The author analyzes the issues related to fair limits of prejudicial effect within civil law. Based on the doctrine of procedural law the author proves that norms dealing with prejudicial effect have become unjustifiably widespread across all court decisions (acts). The author also outlines criteria that court decision should meet to eliminate possible re-opening of the proceedings to re-establish the facts.

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Estoppel in Russian law and Anglo-Saxon law

Key words Principle of good faith; abuse of right; estoppel; comparative law

Under common law estoppel generally refers to a bar to waive admissions which have been made earlier in case the other party relied on those admissions and acted on the representations resulting from that reliance. The author believes that implementation of estoppel will be successful if its scope is clearly defined and if there is a comprehensible classification of estoppels set forth in civil legislation and works of legal scholars.

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Legal status of payment services providers in EU and USA

Key words Payment services; payment services providers

The article provides a comparative analysis of legal status of payment services providers in the Russian Federation and EU countries. Some practices of legal regulation of payment services are analyzed in the present article from the perspective of legal regulation of such services in Russia.

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Consideration of cases for recognition of ownership of unowned immovable property

Key words Unowned immovable property; property; local authorities; procedure; right holder

The article analyzes the legal regulation of recognition of ownership of unowned immovables as well as related practice. In particular, the author discusses the changes in the scope of the right-holders, lack of necessity to recognize ownership of municipalities, cities of the federal level in cases when immovable property is owned by other entity.

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

Article six

Key words USSR; Soviet law science; A.Ya. Vyshinsky

The article is devoted A.Ya. Vyshinsky, his professional career, and contribution to the development of jurisprudence. The article dispels political myths about this figure and provides an unbiased analysis of his political career and scholarly works.

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Subject matter of court proceedings in courts of cassation

Key words Subject matter of proceedings; principle of legal certainty; review of court decisions; court of cassation

The author discusses the conflict of norms which tags along with the subject of proceedings in cassation courts and the principle of legal certainty.

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Right to access to public water bodies and their shore line

Key words Code of water use; water body; shore line; land plot; fencing

Under the current water use legislation owners (including leasees) of land plots located within the shore area are strictly prohibited from preventing other individuals from accessing the shore line and deny them an opportunity to use the shore line on a free of charge and no-limit basis. However, practice proves quite the opposite, legal issues and problems related to the use of public water bodies are in focus of the article.