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

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.

Keywords: USSR; Public Prosecution; court; A. Ya. Vyshinsky.

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Conflict of interest as consequence of mismatched interest in corporate law

This article is devoted to issues of conflict of interest in corporations, the resolution of conflicts of interest, and corporate conflict. The topic of conflict of interest can be called a relatively well-covered theme in Russian theories of corporate law. Yet at the same time, Russian scholarly works fail to produce unambiguous answers to the questions of correlation between conflicts of interest and corporate conflicts, as well as their nature and significance for corporate law. The paper expresses the viewpoint that corporate conflicts present conflicts of interest in the broadest sense. The paper studies the concept of interest, and leads to the conclusion that the inherent attribute of conflict of interest is a discord between the interests of an agent and those of the principal – yet within a corporate conflict there is no such agent-principal relationship. A further conclusion is drawn that the nature of corporate conflict in corporations depends directly upon the structure of the corporation's charter capital. In corporations with dispersed capital, with no controlling participant, corporate conflicts involve the activities of the management structure of the corporation. In corporations with concentrated capital, conflicts arise between the participants themselves. This means that the possible resolution of such conflicts within corporations depends directly on the type of corporation, in which the conflict occurred.

Keywords: Interest; conflict of interest; corporate conflict; corporate law.

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Inviolability of ownership: analysis and realization

The article focuses on the actual meaning of the principle of inviolability of ownership. The article calls for a thorough analysis of the principle and further framework developments. Based on a particular example of court practice the author outlines the issues arising from the enforcement of inviolability of ownership.

Keywords: Civil law; foundation of civil legislation; ownership; inviolability of ownership; cession of ownership.

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Downsides of good faith

Good faith is one of the most complex civil law concepts. The abstract nature of the concept allows to consider all the facts of a case, yet the vague nature of bona fides may level the effect of other civil law concepts and can negatively affect the definitiveness of business transactions. "Escape to general provisions" as good faith is often misnamed, is in fact inherent to the frameworks of countries with Pandect-based system. The article presents an overview of issues related to the enforcement of good faith, to which the authors refer as 'downsides of good faith'

Keywords: Good faith; negative effects of good faith; principle of good faith; comparative private law analysis; civil law

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Legal nature of consent to personal data processing

The author looks into the nature of person's right to data where the person's interest is justified by direct relation of an identified person to their personal data. The importance of 'big data' for the business attaches more importance to the question of right to control such data. The existing public law instruments are not quite effective, which in turn enables us to think about protecting privacy with instruments of private law.

Keywords: Personal data; protection of privacy; licensing of personal data; exclusive right; intangible benefits.

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Forgotten date of February, 21st 1872 — beginnings of Russian business law

The article discusses the main points of the report entitled 'A few words on relation of Roman Civil Law and new ones and Russian one, and relation of civil law and law of business' presented by Vasily Nikolaevich Leshkov, professor of Lomonosov Mos-

cow State University on February 21st, 1872 at the meeting of Moscow Law Society. This report was the first scholarly work to raise the question of dual nature of private law, namely its division into civil and business law. The author analyzes the origins of this split, its consequences and modern understanding, in particular, possibilities of its application within positive law, legislation, business law discipline.

Key words: Dual nature of private law; commercial law; commerce and its characteristics; goods; sale of goods transactions.

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Modern criminal law policy as exemplified by 'anti debt-collector' law

In 2016 a continuing media campaign resulted in the adoption of a federal law which intends to deter crimes in the sphere of debt collection from individuals. The author provides a rigorous analysis of the background of this law, its significant provisions, implications and unwritten standards of the law-making process. In this way the author highlights certain patterns of the modern criminal law policy and speaks about its further adjustment.

Key words

Debt collection; debt collector; violation of debtors' rights; offenses against debtors; flaw of law-making process; modern criminal law policy; unwritten standards of law-making process; law enforcement monitoring; organized crime

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Return of abducted children from Germany to Russia

The author discusses the order of proceedings regarding the return of children who have been removed to or detained in Germany by one of the parents. In particular, the discussion focuses on the execution actions in case of removing children from Russian Federation. The article also provides statistics on the rates of child return.

Key words

Parental disputes; international child abduction; German court proceedings

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Good faith conduct of executives and controllers – corporate relations in Russia and foreign countries.

Legislative norms regarding good faith conduct on the part of executives and controllers within bankruptcy proceedings call for further examination. Based on the analysis of foreign practice the author discusses the legal grounds giving rise to liability of controllers and executives. The author looks into the amendments on bankruptcy proceedings adopted within the framework of the Resolution of the Plenum of the RF Supreme Court # 53 as of 21st of December 2017.

Key words

Corporate law; liability; good faith; bankruptcy

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Problems of terminology laws on investigative work

The article raises the question of the incorrect use of certain concepts of investigative work in the context of corresponding laws as well as related problems. The author puts forward suggestions regarding possible amendments to the law on investigative work.

Key words

Law term; investigative activities; suspect; accused; telephone conversations; unification; collision

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Legal nature of cryptocurrency and related mechanisms (blockchain, mining): civil law perspective

New technologies have always aroused interest from both economic and legal perspectives. They have given rise to a number of questions like whether blockchain is an agreement or something different or whether ownership applies to cryptocurrency. The author considers these questions from civil law perspective.

Keywords: Blockchain; mining; cryptocurrency; multilateral agreement; ownership; civil law.

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Signs of restraints of competition under Russian antitrust law

The article gives a critical analysis of the criteria which establish restraints of the competition as provided in par.17 of Article 4 of the Law on Competition. According to the author the rationale for such criteria of restraints should lie in market mechanisms which enable every market player to unilaterally influence the circulation of goods on the relevant commodity market and such criteria should not be tied to the negative implications for the competition. The author further contends that the criteria provided in par.17 Article 4 of the Law on Competition merely help establish the fact of anti-competitive behavior and distinguish such conduct from other types of conduct which do not fall under the scope of criteria of breach of antitrust legislation, and such criteria do not constitute guidelines for determining measures to hold parties liable for the breach of antitrust legislation.

Keywords: Competition; restraints of competition; signs of restraints of competition; market power; market structure; abuse of dominant position; cartel; concerted actions; anti-competitive behavior