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Development of civil procedure doctrine in Russia: main periods

Key words Civil procedural law doctrine; civil procedure; scientific revolution
The article analyzes the development of civil procedural law doctrine. Given the law of transition of quantity to quality and the concept of “scientific revolutions” it is proposed to distinguish the evolutionary and revolutionary stages in the development of this science. The author provides a brief characterization of each period: pre-revolutionary, Soviet, and modern.

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Problems of municipal law from perspective of Russian Constitution

Key words Russian Federation Constitution; Federal Laws; local self-governance; municipal law; municipal legislation; public authority; municipal elections; franchise
The author analyzes the current situation in Russian municipal legislation, its trends and ways of bringing its regulatory framework to an operating condition. The documents in focus are the Constitution of the Russian Federation, Federal Laws ‘On general principles of organization of local self-governance in the Russian Federation’ and Federal Law ‘On basic guarantees of electoral rights and rights of citizens of the Russian Federation to participate in a referendum’, other federal laws, local legal acts of Russian Federation constituent entities, municipal legal acts, and other documents regulating relations in the sphere of local self-governance in Russia.

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Genesis of criminal prosecution

Key words Criminal procedure; pre-trial proceedings; preliminary investigation; criminal prosecution; public action; criminal procedure function
Beginning from the Criminal Procedure Charter of 1864, the Russian model of criminal procedure has undergone a number of serious structural changes. The changes in the doctrine and legislation entailed gradual shift in the understanding of the role of criminal prosecution. The article considers various aspects of criminal prosecution taking into account historical background and current legislation.

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Remuneration and minimum wage

Key words Remuneration; minimum wage; subsistence level; fixed salary
Based on the analysis of the current approaches to the concept, essence and amount of minimum wage the author argues against the idea of including incentive and compensatory payments into this amount. The author suggests that relevant Russian legislation should be aligned with international legal acts in this sphere.

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Conditional unilateral transactions under Russian law

Key words Conditional unilateral transactions; power of attorney; potestative conditions
As part of the ongoing reform of Russian civil law the Federal law as of 8th of March 2015 #42-FZ introduced significant changes to the RF Civil Code, which among other things also dealt with legal regulation of conditional transactions. However these novellas have not resolved all problems of conditional unilateral transactions germane to civil law doctrine and law enforcement. One of the unresolved issues is whether unilateral transactions can be executed upon condition. This and other issues are discussed in the article.

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Legal state or constitutional state?

Key words Legal state; constitutional state; rule of law; pre-revolutionary law
The author analyzes the proper definition of and distinction between such law concepts as ‘legal state’, ‘constitutional state’, and ‘rule of law’.

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Radical novelty in contractual relations between book publishers and authors: legal analysis and recommendations on copyright

Key words Compensation for termination of agreement; copyright infringement; repudiation; copyright enforcement; specific performance award; infringement of right to publication; compensation for moral harm; publishing house license agreement; essential terms
The Russian publishing business has got a novelty feature: contracts are about to adopt a legal construct of a compensation for termination of license agreement. Yet,

the new construct has little in common with compensation per se, in fact it would be more appropriate to call it a quasi-compensation for termination. Including this kind of payment into a contract will allow the publisher to discharge their obligations under the license agreement. For the majority of authors this agreement is a contract of adhesion. As a result, should courts recognize this type of payment, the publishers will exercise total control over the authors. The article analyzes the implications and the legal basis of quasi-compensation for termination. The author concludes that this construct contradicts the current legislation and gives recommendations to those authors who will need to enforce their rights in case the publisher refuses to publish a book using quasi-compensation as defense.

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Parties to criminal proceedings on cases of crimes in economic and business spheres (based on resolution of Russian Federation Supreme Court Plenum)

Key words Resolution of R Plenum of Supreme Court; differentiation of criminal proceedings; economic and business sphere crimes; parties to criminal proceedings
Resolution of Plenum of the Supreme Court of Russian Federation dated 15th of November 2016 #48 pinpointed certain features of criminal prosecution on cases of crimes in economic and business sphere. The author concludes that despite the existing subject-matter differentiation, in fact, proceedings are differentiated by type of perpetrator – where a businessman has a quite favorable position.

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Compensation for infringement of exclusive rights as civil law remedy

Key words Compensation; infringement of exclusive right; civil law liability
Having analyzed various approaches to the issue in question, the author explains why compensation for infringement of exclusive rights should be regarded as a separate civil remedy.

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

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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The main provisions of the civil law doctrine on personal rights

Key words Personal rights; non-property relations; intangible benefits
The article analyzes the essence and properties of one of the most important categories of civil law – the concept of personal rights. The idea that is consistently suggested throughout the article is that the task of regulation of intangible benefits is contingent on a more general objective of civil-law regulation of property relations.

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Concept of fairness in modern Russian legislation and Russian criminal procedure

Key words Fairness; principle; criminal procedure; truth; justice
The author discusses the concept of fairness employed in current legislative acts of Russia. The author concludes that there is no single interpretation of this concept which can be seen, in particular, in criminal procedure laws.

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Protection of citizen’s privacy and protection of citizen’s images: conflict between norms of article 152.2 and 152.1 of RF Civil Code

Key words Private life; citizen’s image; information of private life; general norm; special norm; conflict of norms
Since an image or a picture of a citizen is usually seen as graphic representation of their private life, the norms of article 152.1 are ancillary to norms of the article 152.2 of RF Civil Code. Having analyzed the relevant enforcement practice, the author suggests ways to harmonize court practice.