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How COVID-19 infected people and affected lease agreements

Keywords: High-alert regime; lease; lease agreement; non-residential lease agreement; COVID-19; rental

Quick adoption of so-called 'coronavirus' norms raised a lot of questions among practicing lawyers. The article describes the butterfly effect caused by legal rules which intended to support the business, namely their implications for the general part of law of obligations.

FNOTOVA, Olga Vladimirovna

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Compliance in context of private international law: practice of multinational corporations

Keywords: Compliance; private international law; private regulation; soft law

The paper examines the practice of compliance carried out by transnational corporations. The analysis provides new insights into the nature of compliance and outlines new prospects for the development of effective regulation of compliance for Russian corporations.

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Shareholders agreement and limitation of corporate rights: comparative analysis

Keywords: Regulation of corporate relations; shareholders' agreement; rights of shareholders; limitation of shareholders' rights; minority shareholder; majority shareholder

The corporate law reform in Russia led to a considerable increase of rules for the dispositive regulation of corporate rights. The paper examines relevant court practice and scholarly works regarding the issue of parties to shareholders' agreement. Judges believe that only members of a corporation may represent parties to such agreements, however scholars have opposite views of the issue.

KHNYKIN, Gennadiy Valentynovich

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Systems and regulations or 'labour bubbles'

Keywords: Changes to RF Labour Code; regulatory principles for labour relations; systems and regulations; labour law; guaranteeing rights and freedoms of employees

One of the problems of labour legislation is that the systems of labour relations and related regulations are usually not sufficiently specified by the legislator. The rules, criteria and standards set out in the legislation have no practical value, this causes a lot of problems for the practicing bar and judges.

KOSENKO, Andrey Mikhaylovich

Senior investigator
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Seizure of property and documents: instituting a criminal case

Keywords: Institution of criminal case; power; seizure; receipt; property and documents

The paper examines the investigator's powers to seize property and documents when instituting a criminal case. In particular, it is argued that such seizure should be allowed only for the purposes of inspection, examination and collection of samples for comparative study. Thus investigators should be vested with authority to seize property and documents at the stage of initiating a criminal case.

KUZNETSOV, Alexander Anatolievich

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Challenging company restructuring by creditors

Keywords: Corporate law; restructuring; protection of creditors

One of the controversial issues dealing with creditors' interests in case of company restructuring is whether creditors may challenge the restructuring. Apparently, a common remedy would be a claim seeking to invalidate the decision on restructuring. However, serious implications for the business transactions as well as availability of other remedies are likely to outweigh creditor's right to challenge company restructuring. The analysis is based on the ideas of the foreign doctrine and the analysis of Russian legislation.

MOISEENKO, Evgeniya Olegovna

Prosecutor
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Examination and analysis of evidence at pre-trial stage: prosecutor's powers

Keywords: Criminal case; evidence; indictment; criminal prosecution; investigator; prosecutor; prosecutorial oversight

The paper examines the problems related to the exercise of powers by prosecutors examining evidence at the pre-trial stage. The author outlines the main difficulties encountered by prosecutors, particularly, those which are critical for the formal indictment, and suggests possible ways of overcoming those difficulties.

MORKHAT, Peter Mechislavovich

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Judge of Commercial Court of Moscow Region

Concept of beneficiary: Russian jurisdiction

Keywords: Beneficiary; actual owner; beneficial owner; beneficial ownership concept; legal category; court practice

The paper examines various approaches to the correct definition of a beneficiary and related notions such as actual owner, shadow director, beneficial owner. The analysis showed that in Russian jurisdiction this concept has acquired a specific meaning and application in contrast to the system of law it derives from.

MOROZOVA, Anastasiia Evgenievna

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Legal status of minority shareholders in Russia and England

Keywords: Minority shareholder; legal status; minority shareholder rights; corporate governance

The paper examines the legislative requirements set out for the status of minority shareholders in the legislation of Russia and England. The author provides a general review of corporate governance and further argues that the status of a minority shareholder depends on the actual structure of corporate governance in a corporation.

PETROV, Alexey Yakovlevich

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Employee bonus programs: fundamental legal issues

Keywords: Article 191 of RF Labour Code; work bonuses; government award

Reviewing the theory of incentives, the author criticizes popular attempts to promote the role of material incentives for workers. According to the author, this tendency may diminish the role of non-material (moral and ethical) incentives.

POLONSKIY, Boris Yakovlevich

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Arbitrazh procedure for economic disputes: modern challenges

Keywords: Arbitrazh procedure; procedure for economic disputes; economic dispute; ch.35 of Arbitrazh Code of Procedure; Art. 330.1. of the Civil Code of Procedure; art.312 Code of Administrative Procedure; appeal

Procedural norms developed for civil, administrative and economic disputes are constantly changing and improving, in many cases this process is triggered by the court practice. At the same time, there are a few points of concern. One of them deals with certain procedural provisions may seem controversial in terms of their conformity with the constitutional principle of due process. Another issue raised in the article concerns the new types of procedure, thus the author argues that arbitrazh (economic) procedure should constitute a separate type of procedure. These issues require special discussion and analysis.

SHEVERDYAEV, Stanislav Nikolaevich

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Understanding constitutional anti-corruption principle: promotion of research in anti-corruption policy

Keywords: Corruption; anti-corruption policy; anti-corruption reform; systemic corruption; constitutional principles; implicit principles; science of constitutional law

The paper examines a new and quite promising methodological approach to the research in the field of anticorruption policy problems within the scope of constitutional law. The suggested approach derives from an implicit constitutional anti-corruption principle. The author argues for a thorough investigation and development of the suggested approach despite its limitations.

SYCHEV, Pavel Gennadievich

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Path of differentiation: from tax crimes to economic ones

Keywords: Differentiation of criminal proceedings; tax crimes; economic crimes; prospects of development

Based on the analysis of tax, economic and business crimes proceedings, the author discusses possible differentiation of those crimes.

TOMSINOV, Vladimir Alekseevich

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Andrey Yanuarievich Vyshinsky (1883—1954), statesman and legal scholar. Article forty-two

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

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses the first stage of the trial for the case against N.I. Bukharin, A.I. Rykov, G.G. Yagoda.