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Results of social service reform

Keywords: Social service; legal aid; social service; responsibility; social service fees; monthly payment; monthly payment amount; monthly payment of social service; social service provision; list of social services; social service standard

Analysis of social service legislation and its enforcement has shown that the scope of social protection and social guarantees has been narrowed. The situation calls for further development of the federal legislation to provide for and ensure social assistance and social service.

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Legal status of client and patient (consumer) in relations under medical service agreement

Keywords: Medical service; patient; consumer; medical service agreement; consent to medical treatment and procedures; refusal of medical treatment and procedures

The article examines the legal status of the client and patient (consumer) as parties of medical service agreement. The analysis focuses on the consent to medical treatment and procedures or refusal of such treatment and procedures, and cases whereby additional medical services are provided to the patient without their consent (or consent of their proxy).

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Inheriting share in LLC authorized capital by surviving spouse

Keywords: Share in authorised capital of LLC; succession; legal status of surviving spouse; acquiring status of member of corporation

The paper examines the issue whereby surviving spouses inherit a share in LLC authorized capital. The author determines the circumstances in which the surviving spouse becomes a member of the corporation and discusses the relationship between rules of company law, law of succession and family law. When analyzing the dual legal status of the surviving spouse the author argues for further changes to the relevant legislation that would specify the legal status of the surviving spouse and their position with regard to other heirs.

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Problems of securing obligations as per business methods not covered by Russian Federation Civil Code

Keywords: Securing obligations; business obligations; creditor's rights; penalty; surety; pledge of goods; repurchase agreement; covenant; insurance agreement

The author analyzes the means of securing obligations, their enforcement and effectiveness, focusing on the application of the Russian Civil Code provisions on securing the performance of obligations of business entities. The author, in particular, discusses forfeit, repurchase agreement, use of covenants and personal insurance and expresses concerns about their securing effect.

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'Revolution of sanctions' in legislation of People's Republic of China

Keywords: PRC; sanctions; restrictive measures; specially designated nationals list; export regime; extraterritoriality

In 2020 China passed a number of special legislative acts regulating imposition of economic sanctions. The authors analyze the key provisions of those acts, their enforcement, guarantees to foreign citizens and mechanisms for challenging imposed restrictions.

KUZNETSOV, Alexander Anatolievich

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Protection of holders of bonds and convertible securities in cases of reorganization

Keywords: Company law; reorganization; protection of creditors

Holders of bonds and convertible securities represent a special class of creditors who are entitled to special protection in cases of reorganization. However, neither Russian law nor the doctrine provides any specific provisions on protection of this class of creditors. Based on the analysis of the European legal doctrine, the author outlines the approaches adopted in foreign legal systems and compares them to provisions of Russian legislation.

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Failure to appear in civil court: legal consequences for parties

Keywords: In absentia judgment; in absentia proceedings; notifications; fiction of notification; lack of knowledge about case; failure to appear in court

The paper shows that the consequences ensuing party's failure to appear in court have a deep historical background. One could note a great degree of variation in those consequences at different stages of civil procedure. The author argues that in case a court has no proof of the defendant's actual (not fictional) knowledge of a court trial, the case should be resolved by the rules of trial in absentia.

MOISEENKO, Yevgenia Olegovna

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Genesis of presentation of material evidence: criminal procedure in pre-revolutionary, Soviet and post-Soviet period

Keywords: Evidence; regulation of criminal proceedings; Criminal Code; material evidence; presentation of material evidence; criminal case; criminal prosecution; court; investigator; prosecutorial oversight

The paper examines the presentation of material evidence by prosecution, in particular, the historical development of this duty. The author proceeds from the comparative analysis of the sources of Russian criminal procedure law which established the rules for evidence presentation in criminal proceedings in the pre-revolutionary, Soviet and post-Soviet periods. The author also suggests the definitions of the terms' introduction of material evidence in pre-trial stage of criminal proceedings' and 'introduction of evidence in criminal trial'.

MONASTYRSKY, Yuri Eduardovich

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Fault and causality in Russian civil and criminal law

Keywords: Civil law; criminal law; responsibility; losses; fault; causality

Legal responsibility is a key concept of jurisprudence. In civil law the concept implies a possibility to compensate one's pecuniary losses and to hold the party at fault liable for the loss whereas in criminal law it implies punishing the perpetrator. The article examines the concept of fault as one of the premises of legal responsibility and analyzes causality in this regard.

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Criticism of framework for abuse of right

Keywords: Abuse of right; legal rights; wrong

The problem of determining the nature, characteristics and criteria of abuse of right (Art. 10 of the Russian Civil Code) is one of the major problems of civil law. The analysis presented in the article shows that none of the existing frameworks provides a sound basis for abuse of right.

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Development of legal culture in common law countries

Keywords: Theory of state and law; legal culture; interdisciplinary approach; common law countries; common law; custom; legal custom; Great Britain

Legal culture still remains terra incognita in the theory of state and law. The author analyzes the development of this concept in the common law countries which for centuries have been developing and constructing their unique legal consciousness and unique legal reasoning based on legal custom.

TOMSINOV, Vladimir Alekseevich

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

Keywords: USSR; mass repressions in 1937—1938; I.V. Stalin; N.I. Bukharin; A.I. Rykov; L.D. Trotskiy; G.Ye. Zinoviev

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.

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Application of estoppel in civil cases: problems of proof

Keywords: Fact at issue; right to defense; proof; assertion of fact; estoppel; causality; legal detriment

The author analyzes the decisions of courts that apply estoppel based on a party's assertion of 'dubious actions' without determining the elements that the party invoking estoppel has to establish. Such practice may lead to the violation of the right to defense, thus the author argues for the implementation of elements required under English law: dubious actions; party's reliance upon them; resulting legal detriment to the party.

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Organization of investigation planning in criminal cases of bribery

Keywords: Investigator; plan; bribe; complainant; crime report; criminal case; investigative situations; bribery; proof; interrogation; search; bribery; investigation

The article discusses the activity of law enforcement investigators concerning the organization of investigation planning in cases of bribery. The analysis covers investigative circumstances and main investigative situations preceding the investigation of criminal cases of bribery.