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Investigating official misconduct: key characteristics

Keywords: Official misconduct; characteristics of investigation; investigation of official misconduct

The author outlines the characteristics determining the methodology and strategy of investigating official misconduct (malfeasance in office).

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Amendments to norms on criminal responsibility for breach of safety regulations during execution of works: raising perpetual problems

Keywords: Breach of safety regulations; execution of works; excessiveness; legal uncertainty

The Federal Law as of 23rd of April 2018 # 114-FZ introduced amendments regarding criminal responsibility for the breach of safety regulations in the course of works execution. The author concludes that the legislator managed to effectively tackle the issue of excessive norms of the Criminal Code of the Russian Federation as well as the issue of their concurrence with norms of other branches of law.

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Draft regulation on common European sales law

Keywords: Enterprises; consumer; cross-border agreements; domestic transactions; consumer agreements

The draft regulation on common European sales law was approved by the European Commission, yet it has not been submitted to the European Parliament for further approval. The main objective of the article is to examine the arguments which impeded the adoption of the draft regulation.

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Material nature of certain procedural rights of parties to civil procedure in Russia

Key words Procedural right; risk; good-faith; court practice

It is not an uncommon situation in Russia when courts recognize certain procedural rights as material rights, which as a result affects the outcome of the dispute. Given that it seems necessary to study the risks of enforcing procedural rights which can influence the enforcement of material interests.

EVLOEV, Ilyas Muslimovich

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Constitutional Court of the Republic of Ingushetia

Legitimate uncertainty of legal norms

Key words Legal certainty; principle of legal certainty; European Court of Human Rights; Constitutional Court of the Russian Federation

Within the administration of judicial oversight, the principle of legal certainty principle is increasingly used as a measure of lawfulness of legal acts. At the same time as court practice shows vagueness and obscurity of legal norms does not necessarily constitute the breach of such principle. The Russian Federation Constitutional Court and the European Court of Human Rights have held that not all vague laws shall be disqualified as a result. All this, once again, emphasizes the issue of the correlation between the clarity of the formulation and the requirement of legal certainty. The author takes a close look at the criteria used to establish obscurity and vagueness of legal formulation in order to bring more effectiveness in the sphere of judicial oversight.

GONCHAROVA, Valeriya Andreevna

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Enforcement of general provisions on obligations with regard to restitution claims in void transactions

Key words Effects of void transactions; restitution; damages; civil law reform

Drawing on the analysis of law practice and the legal doctrine sources the author considers the issues arising when the general norms on obligations are applied against an ambiguous construct of restitution.

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Public control over executive bodies

Keywords: Lawfulness; citizens' rights and interests; executive bodies; local governments; public control; scope of public control; public control bodies; powers of public control bodies

The article analyzes the role of public control in the matters of enhancing the work of executive bodies, protection of citizens' rights and freedoms, protection of rights and interests of public organizations and other non-profit organizations. The author points out that laws do not provide for a legal definition of a body charged with public control and its subject-matter, nor does the law provide for a clear definition of public control per se. The author further discusses the possibilities of amending the Federal Law "On foundations of public control in the Russian Federation" as well as improving public control activity.

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Amendments to housing rights of orphans and legally free children

Keywords: Housing rights; eviction; orphans; legally free children

The federal law as of July, 29th 2018 # 267-FZ introduced amendments to the housing legislation in part that concerns the rights of orphans and legally-free children. The author of the article highlights the controversial nature of the amendments.

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Exclusive rights from perspective of contract law

Keywords: Grant of exclusive rights; exercise of exclusive right; exclusive rights in business transactions; intellectual property contracts; commissioning agreement; public procurement agreements; contractual and non-contractual exercise of exclusive rights; waiver of exclusive rights; unilateral contract

Advances in digital technologies have brought about significant changes to the regulation of intellectual property. The author highlights that such situation gave rise to a number of unresolved issues in relation to respective contractual obligations.

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Overcoming impediments to trademark registration in course of trademark examination

Keywords: Intellectual property; identification means; trademarks; registration denial

Before the Federal Institute for Industrial Property delivers its final decision applicants can take measures which will affect the conclusions of the experts. Yet not all of these measures are expressly stipulated in the Russian Civil Code. The article reviews all possible steps applicants can take based on the analysis of the relevant legal acts.

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

Keywords: USSR Procurator General; USSR Constitution of 1936; repressions; I.V. Stalin; A.Ya. Vyshinsky

The article is devoted to 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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Enterprise and integral real estate complex: comparative analysis

Keywords: Integral real estate complex; enterprise as real estate complex; non-profit real estate complex; enterprise; property; legal concept

The author conducts a comparative legal analysis of the concepts of 'enterprise' and 'integral real estate complex'. The author suggests introducing the concept of 'non-profit real estate complex' to the Russian Federation Civil Code.