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Acts of the judiciary in the system of Russian criminal law sources

Keywords: Sources of criminal law, acts of court law-making, rulings of the European Court of Human Rights, decisions of the RF Constitutional court, rulings of the RF Supreme Court Plenum

The author discusses the possibility to recognize court orders as sources of the Russian criminal law. The author, particularly, underlines the significance of ECHR rulings for the Russian law system, in general, and Russian criminal law, specifically.

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Predicate offenses and money laundering: points of controversy

Keywords: Legitimization, laundering, illicit revenues, predicate offense, classification, criminal law assessment

Laundering money and other illegally obtained goods is a natural consequence of a predicate (primary) offense. The effects of Criminal code norms on predicate offenses and subsequent laundering of illicit funds are not overlapping. Law enforcement officials find it challenging to set the limits of predicate offense and the beginning of money laundering. The author analyzes controversial issues of classification, caused by close connection between predicate offenses and money laundering.

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Merchandizing: legal regulation

Keywords: Merchandising, merchandising services contract, commercial law
Merchandizing is becoming more common for the economic turnover. Merchandizing facilitates promotion of goods under trademark protection starting from the decision of the producer about manufacturing till placing goods on the shelves of a store. What is merchandising from the perspective of law? What are the specifics of its legal regulation?

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Free use of copyright materials: quotations, parody, and caricature

Keywords: Cases of free use of copyright materials, three-step test, citation, parody, caricature, sample-based musical works, 'fair dealing' doctrine
Development of information technologies brings more topicality to the issues of legal regulation and use of copyright materials. On the one hand, injunction on free use of copyright materials may restrain development of industry, science and culture. On the other hand, copyright owners need to have their interests protected. The author analyzes one of the aspects of this controversy — free use of copyright materials for citations, parody etc.; with commercial purposes and violation of copyright owners' rights. Such infringements are usually justified by providing wide access to information, knowledge and music.

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Indiciae of proprietary rights in the lessee's rights: the problem of proprietary characterization or absolute characterization of the leasehold right

Keywords: Right, lease right, absolute rights, proprietary and liability right
Are indicia of proprietary rights present in the leasehold right? Are they sufficient for acknowledging the leasehold right as a proprietary right or as a hybrid right (a proprietary-and-liability right)? The article proposes an interpretation of resale royalty right and estate legal protection as indicia of proprietary right, which interpretation is new for the Russian civil law. As a result, the author concludes that there are no grounds to acknowledge leasehold as a proprietary right, a liability right which combines indicia of a proprietary right, and that it is unjustifiable to single out hybrid types of proprietary-and-liability rights; absolute-and-relative rights and their derivative rights.

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Administrative procedure code: problems and gaps of the official draft

Keywords: Administrative justice, administrative procedure, Administrative procedure Code, law-making process, the problem of determining the case jurisdiction, professional discrimination

In 2013 the RF President introduced a draft of a federal law on administrative procedure to the RF Duma. The article observes certain provisions of this document. In particular, the author analyzes those provisions which deal with law enforcement and protection of persons whose rights were violated.

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The RF Pension Fund in the system of Federal executive bodies

Keywords: RF Pension Fund, functions of executive bodies, characteristics of executive bodies, executive body, federal service, legal status

The author analyzes the concept of a 'federal executive body' and comes to the conclusion that the RF Pension Fund has main (significant) characteristics of such body. The author concludes that the RF Pension Fund has to be recognized as a federal body.

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Development of Russian science of state law from XIX till early XX century: general outlook. Article seven.

Keywords: Russian science of state law, XIX century, K.P.Pobedonostsev, M.N. Katkov, the doctrine of autocratic rule, October Manifesto (1905)

The main topic of the article is the Russian science of state law of the late XIX up to the beginning of the XX century. The article presents the key points of the official state ideology of the Russian empire which had a big impact on development of the science of state law. Particular attention is paid to the discussion among Russian law scholars regarding the October Manifesto (1905); the author also analyzes the impact the discussion had on development the Russian science of state law.

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Constitutional reform in France in the context of globalization

Keywords: Evolution of the constitution, realization of constitutionalism ideas in constitutions, reconstitutionalization

The authors discuss the evolution of the French Constitution, which was adopted in harsh and critical conditions. Specifically, the authors analyze the measures taken to adjust the Constitution to the dynamics of the modern world.

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Model competition law for Common Economic Space

Keywords: Competition, monopoly, model law, Common economic space
Why competition is still not present in Russia, despite the fact that many amendments have been introduced into competition law? Perhaps, this is the case because one main point is not considered, i.e. the idea that, first, competitive relations should be established, and only then their protection should be guaranteed. The author analyzes a number of provisions of a model competition law for members of the Customs Union and Common economic space, and positive effect of the provisions in case they are introduced into Russian legislation. Also, the author studies those provisions, which were not included into the final version of the document.

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Invalidation of a contract: court competence

Keywords: Void contract, invalidity of the transaction, convalidation of transaction, master service agreement, court competence

The article presents a detailed analysis of the suggested changes to the RF Civil Code, which deal with courts' competence in invalidation of contracts. In particular, the author studies invalidation of master service agreements and similar law constructs in European contract law.