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Consent to arbitration: form of arbitration agreement and will of parties

Keywords: Arbitration; arbitration agreement; consent to arbitration; forms of arbitration agreement

Contractual nature of arbitration as alternative dispute resolution technique means that courts and courts of arbitration, that settle questions of arbitration jurisdiction, will not focus merely on the form of arbitration agreement, rather they will carefully examine the factual side of disputes. The latter is crucial for establishing the real intention of the parties regarding settling their dispute through arbitration.

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Out-of-court procedures for settling disputes on refusal to provide insurance coverage

Keywords: Damages for infliction of harm to life and health of workers; work-related accidents; compulsory health insurance; out-of-court settlement

The article discusses modern procedures for out-of-court settlement of disputes involving cases on refusal to provide insurance coverage to a worker who suffered a work-related injury or a work-related disease. The author analyzes the advantages of the out-of-court procedures in contrast to litigation.

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Veracity and credulity of witness testimony in civil procedure: historical overview, unresolved issues

Keywords: Witness; witness testimony; veracity and credulity of testimony; witness immunity; perjury; interrogation; face-to-face witness confrontation

The article discusses theoretical and practical aspects of determining veracity and credulity of witness testimony. The analysis includes the ways for proper determination provided by applicable regulation and discusses judicial discretion that also applies to the task in question. The author argues for further development of practical extensions of evidence law, especially, prevention and discovery of perjury.

KRAEV, Iliya Olegovich

Master of Laws

Termination of pledge of shares: practical issues

Keywords: Pledge of share; termination of pledge; preemptive right

The article analyzes problems arising when members of LLC and shareholders of private Joint Stock Companies exercise their preemptive right within the procedure of realization of pledged shares. The author also discusses difficulties which the pledgor and the pledgee are likely to face in case the pledge is terminated.

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Revocation of notary license: current situation and prospects

Keywords: Notary; notary service; civil law; oversight of notary; disciplinary action; revocation of notary license

In the article the author addresses one of the cornerstones of modern notary law, noting that the Russian legislator adopted a conservative approach towards regulation of procedure and legal grounds for revocation of notary license. The author discusses further development of the notary legislation pointing out measures that could help achieve it.

SOSKIEVA, Arina Arkadievna

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Representations as to future

Keywords: Representations; contract; sale of business; risk allocation; Russian Federation Supreme Court

The analysis of court practice shows that courts of the highest level successfully embraced the problem of legal qualification of representations for circumstances expected to arise in the future. Thus, the author concludes, such representations should be deemed admissible. It is further argued that such representations should be expressly stated in the contract to avoid an unreasonable widening of the liability of the person providing such representations. The author argues that further development of the Russian Civil Law Code should tackle the problem of securing the positions of trading parties.

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Mechanism for adopting anti-sanction decrees of President of Russian Federation: necessary measure in emergency?

Keywords: Anti-sanction regulation; powers of the President of the Russian Federation; separation of powers; financial power

The article analyzes the constitutional premises of the anti-sanction decrees of the President of the Russian Federation. Another question raised in the article is determining whether the mechanism for adopting such decrees conforms with the principle of separation of powers.

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Topical problems of lawmaking: judicial review of provisions of Law on insolvency (bankruptcy)

Keywords: Bankruptcy; security; tax; legal regulation; legislative process; commercial court; Constitutional Court; Supreme Court

Based on case-study analysis the authors elicit future trajectories for the system of constitutional justice in general. Furthermore, the authors analyze provisions of the Federal Law 'On Insolvency (Bankruptcy)' and share their input regarding future development of the law in question.

TOMSINOV, Vladimir Alekseevich

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

Keywords: USSR; USA; Germany; Great Britain; A.Ya. Vyshinsky; V.M. Molotov; E. Eden; S. Kripps

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses the role of A.Ya. Vyshinsky in the sphere of foreign politics of the Soviet state in November — December in 1940.

TRETYAKOVA, Ekaterina Pavlovna

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Contractual constructions for subsoil use in bankruptcy cases

Keywords: Bankruptcy; bankruptcy of user of subsoil resources; agreement on service risks; agreement on division of production; right to subsoil use

For Russian legislation concluding contracts on granting right to subsoil use is an uncommon practice, however, recently even this sphere is seeing more civil law regulation. However, in cases where a user of subsoil resources declares bankruptcy, it poses a risk of defaulting on certain provisions of such an agreement. The article discusses possible developments in the relations between the parties to the agreement in case the user of subsoil resources is declared bankrupt.

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On legal definition of evidence

Keywords: Civil procedure; evidence law; concept of evidence; evidence material
Laws of some countries provide the definition of evidence whereas laws of other countries do not. Which situation is better? Should such definition be available for the purposes of the justice system, legal science and legal education? Based on the analysis of the history of concept of evidence, the author discusses these and other questions.

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On issue of measures for enhancing security of state security bodies of Russian Federation

Keywords: State security bodies; Federal Service of Security; criminal responsibility; professional secret; military servants; contract service; protection of data on state security bodies

The article analyzes a draft of law aimed at introducing measures for enhancing security of state security bodies. In the context of special military operation and increasing sabotage activity and intelligence collection by foreign intelligence services this draft is highly topical and important.