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Execution of judgement on demolition or dismantling of buildings (structures) by recoveror for debtor

Keywords: Enforcement proceedings; remedies; private defense; arbitrariness; recoveror; independent execution of court judgment by recoveror; demolition (dismantling) of buildings (structures)

The court practice knows many cases of independent execution of court decisions on the demolition or dismantling of the debtor's buildings (structures) by the recoveror if the debtor does not perform his/her obligations. Some courts recognize such actions of the recoveror as lawful, others consider such actions unacceptable. The actions of the recoveror are qualified against the backdrop of private defense and arbitrariness prohibited by law. The author formulates the conditions for the admissibility of independent execution of a court decision on the demolition or dismantling of the debtor's buildings (structures) by the recoveror.

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On mandatory nature of information letters of Russian Federation Presidium of Supreme Commercial Court

Keywords: Information letter of RF Presidium of SCC; mandatory character of information letters of RF Presidium of Supreme Commercial Court; advisory nature of information letters of RF Presidium of Supreme Commercial Court; de-facto mandatory nature of information letters of RF Presidium of Supreme Commercial Court; compulsory register of information letters of RF Presidium of Supreme Commercial Court

The paper analyzes various positions regarding mandatory character of information letters issued by the Russian Federation Presidium of the Supreme Commercial Court. The author believes the letters deals with the management and auxiliary activities of the Presidium of the Supreme Commercial Court which is why they must have advisory nature.

SCHENNIKOVA, Larisa Vladimirovna

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Invalid transactions: legislation, enforcement, social impact

Keywords: Transaction; deceit; coercion; unconscionable transaction; invalid transactions

The paper aims to identify the relationship between the effect of legal norms regarding invalidity of transactions and court practice related to their application and their impact on the social norms and moral values of modern society. The author examines relevant court cases on recognizing the invalidity of transactions induced by fraud, coercion, or undue influence.

SHITKINA, Irina Sergeevna

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Directors' payments in case of employment termination: legal nature, payment procedure, complaints procedure

Keywords: Director; corporation; joint stock company; limited liability company; labour relations; corporate relations; directors' payments upon termination of employment; director's benefits; golden parachutes

The paper analyzes the legal nature of different types of payments received by directors upon termination of employment in a corporation. The author concludes that it is the type of payment that determines the procedure of its approval, execution and challenge. The author suggests recommendations for the purposes of protecting the interests of corporation and its shareholders in cases involving payment of golden parachutes.

TOMSINOV, Vladimir Alekseevich

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

Keywords: USSR; soviet jurisprudence; soviet civil law; Civil Code of RSFSR of 1922; A.Ya. Vyshinsky

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses the formation and development of the theoretical basis of the Soviet science of civil law.

TUMANOV, Alexander Sergeevich

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Theoretical issues of devolution: transfer of Russian Federation powers and joint jurisdiction powers to Russian Federation constituent entities

Keywords: Delegation of powers; devolution; oversight of exercise of devolved powers

The paper analyzes the task of identifying and researching theoretical problems of the institute of devolution or transferring to Russian Federation constituent entities the powers of the Russian Federation or the powers of joint jurisdiction as well as oversight powers. One of the problems deals with distinguishing between the notions of 'devolution', 'delegation of powers', 'vesting of powers', 'grant of powers', 'redistribution of powers', and 'delegation of the exercises of powers'.

UKRAINSKIY, Ruslan Vladimirovich

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AI as subject of law

Keywords: AI; artificial intelligence; legal relations; subject of law; legal person

The paper analyzes a number of issues related to the legal nature of AI. In particular, the author, who is the head of division on production management innovations, aims to establish the relationship between a legal subject and legal personality and tackle other pertinent questions such as: the role of legal procedure in determining the legal personality; the possibility of applying the construction of legal person to determine the legal personality of a robot; the specific features of AI legal personality.

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Direct claim to insurance company in cases of tort liability insurance: legal nature and choice of optimal construction

Keywords: Direct claim; liability insurance; insurance law reform

The paper presents a comparative legal analysis of the direct claim submitted by the injured party to the insurance company in cases of tort liability insurance and the legal grounds of such claims. The author also considers the social objectives behind the institute of tort liability insurance. Having considered the legal controversies of the Article 931 of the Russian Federation Civil Code the author suggests the legislator should choose one of the methods to entitle the injured party with the right of direct claim to the insurance company.

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Online defamation: problem of unifying responsibility of anonymous users

Keywords: Defamation; anonymous user; Internet; dissemination of defamatory information; civil liability; remedies

The paper analyzes the problems of protection from defamatory conduct of anonymous users. The author analyzes the approaches developed in different countries and discusses possible solutions that could be implemented in Russia.

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Reduction of penalty for future: problems of judicial practice

Keywords: Reduction of penalty; future; proportionality criteria; court; plaintiff; defendant

The paper deals with a topical issue of judicial practice, i.e. the possibility of reducing the penalty levied on the day of actual fulfillment of obligations — for the future. The author critically analyzes the different approaches used by the courts, identifies their disadvantages and advantages, and suggests ways to resolve the current situation in order for the parties to exercise their procedural rights and ensure the principle of equality in procedural relations.

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Novelties of legal application of remote technologies at trial stage of criminal proceedings

Keywords: Draft of law; Russian Federation State Duma; Russian Federation Criminal Procedure Code; video calls; electronic paperwork; questioning; witness; victim; convict; prosecutor; court; sentence

The paper considers several provisions of the Russian Federation Criminal Procedure Code aimed at improving efficiency of trial stage of criminal proceedings through application of modern digital platforms and technologies, as well as increasing access to justice and legal protection.

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Restitution upon reversal of judgment in cases on recovery of sums under pecuniary claims arising from labour relations

Keywords: Execution of judgement; immediate execution; restitution upon reversal of judgment; unjust enrichment; means of living; average wage; presumption of good faith

The paper analyzes a guarantee in form of restitution upon reversal of judgment in cases on recovery of sums under pecuniary claims arising from labour relations. It is argued that when deciding on the issue of whether the employer should be denied restitution upon reversal of judgment, the legal nature and objectives for payment of sums to an employee should be taken into account. Considering the legal norms of the procedural law the author highlights the difficulty of overcoming the presumption of employee's good faith and proving that they provided false documents for the purposes of restitution upon reversal of judgment.