



# PARTICIPATION OF THE RUSSIAN FEDERATION IN TREATIES ON PRIVATE INTERNATIONAL LAW

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Article DOI: <https://doi.org/10.36713/epra12676>

DOI No: 10.36713/epra12676

## ABSTRACT

*This article discusses the types and contents of international treaties to which the Russian Federation is a party, types of agreements are designed to regulate many legal relations in various fields of national and social life involving foreign factors.*

**KEY WORDS:** *Legal relations, private law relations, private international law, conventions*

## INTRODUCTION

Our era is a new stage in the historical development of the international community, with its own characteristics, including the universality and globalization of international relations, which gives people the right to view international maritime law from the perspective of "digitalization", and emphasizes the new challenges and opportunities faced by the commercial industry. This chapter also mentions the experience of the development and implementation of the maritime law of the Russian Federation and the legal regulation of China's maritime transport and maritime activities.

## THE STATUS OF PRIVATE INTERNATIONAL LAW IN THE LEGAL SYSTEM OF RUSSIAN FEDERATION

The main significance of private international law given by major jurists is to change and implement the application of foreign laws in the territory of the nation-state. This is because in cases involving external (foreign) factors or foreign-related factors, special legal relationship coordination procedures should be adopted.

At present, the most popular and acceptable position to determine the status of private international law is to regard private international law as an independent legal branch in the branch system of national law. According to the last point of view, private international law is a branch of domestic law. According to this branch, the State formulates and adopts rules by itself. These rules will then regulate the choice of legal system under various circumstances. The interaction between civil relations and international factors has an international nature. In this case, the conflict of laws rules arising prior to the occurrence of disputes related to private international law will be resolved in the Russian Federation using domestic law, that is, the conflict of laws rules of the state have priority, and the fact of concluding international contracts should be taken into account. Through

negotiation and compromise, the equality of rules has been achieved, and it is easier to solve problems involving foreign factors.

Finally, private international law plays an important role in the management structure of legal relations. It is a system of legal rules aimed at regulating private international law relations with foreign characteristics. The position of this discipline and the definition of the concept are still outstanding issues, but can highlight the current multi-system theory. It involves a multifunctional core and system, closely interacting with domestic law, but dealing with external relations. Therefore, it must be pointed out that private international law has not yet fully formed in the Russian Federation, and its transformation depends on the development of international relations.

## INTERNATIONAL TREATIES AS THE SOURCE OF PRIVATE INTERNATIONAL LAW OF THE RUSSIAN FEDERATION

At present, international treaties are an integral part of the system from which private international law originates. They regulate individual and specific private international law relations and cover a wide range of issues. According to Article 15 of the Constitution of the Russian Federation, the recognized norms and principles of international law are an integral part of the legal system of the Russian Federation. Among the sources of international law, international treaties that regulate the particularity of legal relations to which Russia is a party are of special significance. This provision actually repeats Article 1186 of the Civil Code of the Russian Federation. According to this article, it can be concluded that international treaties are the main source of the legal system of the Russian Federation, and the applicable laws are determined on this basis.

An international treaty can be regarded as an international agreement to which the Russian Federation is a party and a foreign country or international organization is



the other party. The treaty is written and regulated by international law. The 1969 Vienna Convention on the Law of Treaties and the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations give the same interpretation to the concept of "treaty".

This kind of agreement refers to the public law act that the sovereign state can act as the subject, and its rules are binding on all parties to the treaty. However, some international treaties include rules aimed at regulating private international law relations between citizens and legal persons of States. These rules originated from international law, but in essence belong to the private international law of all countries.

The starting point of modern law enforcement practice is the special importance of the substantive law rules of international treaties governing private law relations. Therefore, according to paragraph 3 of the decision of the plenary session of the Supreme Court of the Russian Federation No. 24 of July 9, 2019 "On the application of rules of private international law by the courts of the Russian Federation", if the international treaties of the Russian Federation contain rules of substantive law applicable to the relevant relations, they shall be determined according to the rules of conflict of laws applicable to the issue. These substantive law norms are fully resolved. At first glance, this explanation seems logical. However, considering that not in every case, all countries with which their legal system has controversial legal relations are parties to an international treaty, it is totally unreasonable to apply an international treaty to such relations. In addition, the provisions of the treaty may have different interpretations in the domestic legislation of different States parties to the treaty. These circumstances still seem to support the need to determine jurisdiction, that is, the court must apply the conflict-of-laws rule.

Considering the relationship between Russian domestic legislation and international treaties, two key aspects deserve attention:

1) The international treaties concluded by Russia are an integral part of the national legal system;

2) International treaty rules take precedence over domestic law rules.

The general issues of concluding, revoking or modifying international treaties are stipulated in the International Treaty Law of the Russian Federation. Russia's formal consent to join international treaties takes the form of enacting relevant federal laws, such as ratification, which means that Russia accepts its obligations under international treaties.

According to the norms of the Constitution of the Russian Federation, the norms of international law are an integral part of national law. According to Article 1186 of the Civil Code of the Russian Federation, the following sources of private international law can be considered:

1) International treaties to which the Russian Federation is a party;

2) Civil Code of the Russian Federation and other federal laws;

3) Customs recognized by the Russian Federation.

### **PURPOSE AND TYPE OF INTERNATIONAL TREATIES TO WHICH THE RUSSIAN FEDERATION IS A PARTY**

According to Federal Law No. 101-FZ of July 15, 1995, "International Treaty on the Russian Federation", the main purpose of international treaties is to ensure the maintenance of world peace and security and promote the development of international legal relations and international cooperation system.

The main international treaties to which the Russian Federation is a party are as follows:

1) The international treaties on the establishment of foreign economic relations, in particular the rules of the treaty group, stipulate the legal relations of trade with foreign factors, trade and economic cooperation, goods sales and payment system issues, treaties regulating payment agreements, financial and property claims mechanisms and others. For example, the Treaty between the Russian Federation and the Republic of India on Civil and Commercial Legal Assistance and Legal Relations

(Signed in New Delhi on October 3, 2000), the Free Trade Agreement signed by the Government of the Russian Federation and the Government of the Republic of Belarus on November 13, 1992;

2) The second group of treaties is the scientific and technological cooperation treaties, whose system includes regulating the legal relations in the field of energy supply, industrial development cooperation, the legal relations in the oil and gas sector, and the construction industry, radio and television issues. For example, the resolution of the Government of the Russian Federation of 12 November 1992. No. 866 Agreement between the Government of the People's Republic of China and the Government of the Russian Federation on Science and Technology Cooperation;

3) Treaties regulating the economic activities of different economic entities. In general, this group of treaties provides for cooperation in the field of small and medium-sized enterprises, anti-unfair competition and anti-monopoly policy, such as the Agreement on the Support and Development of Small Enterprises by the CIS Member States (Moscow, 17 January 1997);

4) Treaties on international transport and transportation, especially those on railway, international air transport and maritime transport of goods, such as the Agreement between the Government of the Russian Federation and the Government of the Republic of Türkiye on Maritime Transport (Ankara, May 12, 2010);

5) International treaties regulating the protection mechanism of subject intellectual property rights, copyright protection issues, industrial property rights, intellectual property rights, technology and other fields of cooperation. For example, the Agreement between the Government of the Russian Federation and the World Intellectual Property Organization on the Establishment of a Representative Office of the World Intellectual Property Organization in the Russian Federation on April 10, 2013 (entered into force on



June 18, 2014, Russian Ministry of Foreign Affairs No. 9484/DP on June 23, 2014);

6) Standardize contracts involving civil and family legal relations involving foreign factors, and realize contracts in the field of international labor legal relations;

7) Civil litigation contract. International treaties concluded by the Russian Federation enter into force when the following basic conditions are met:

1) The consent expressed by the Russian side through signing agreements, exchanging documents constituting treaties, ratifying, approving, accepting or acceding to international treaties;

2) The manner and duration of the entry into force of international treaties shall be determined by agreement between the two parties.

Therefore, an international treaty is an agreement signed by the Russian Federation. According to the agreement, in the private law relationship that is the subject of the treaty, individual rights and obligations are allocated among the subjects.

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