

SUMMARY

Subject of the research thesis: The inheritance in international private law

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Relevance of the research issue: Inheritance relation is an area of public life in which there is a large mass of legal problems. In modern conditions taking into account the intensification of migration, expanding the variety of international exchanges it is objectively raised a necessity of legal regulation of inheritance means of international private law.

Primarily relations on the inheritance for their legal ordering exposed to domestic, national legal standards, reflecting the specific social, economic and legal system of the country.

Legal conflicts in the field of inheritance law arise when certain issues of inheritance receive unequal fixing in law of various countries. Another series of legal conflicts are caused by the implementation of testamentary succession (there are about issues of testamentary capacity and inadequate regulation recognition wills which are valid in form and content).

The object of the study research is an inheritance process under the contemporary international law.

The subject of the study research are practical aspects (basic provisions) inheritance foreigners in the Russian Federation and the main aspects of the inheritance of Russian citizens abroad.

The purpose of the study research is to explore the theoretical and practical aspects of hereditary relations of foreigners in the Russian Federation and hereditary relations of Russian citizens abroad under the contemporary international law.

Research objectives:

1. explore the major aspects of inheritance in international law
2. examine the inheritance rights of foreigners in the Russian Federation.
3. consider the inheritance rights of Russian citizens abroad.
4. formulate conclusions and recommendations on the research study.

Scientific novelty of the research: The current position of civil process indicates that the differentiation modes of inheritance in relation to movable and immovable property is a common tendency of contemporary international regulation of hereditary relations which is attached in a sufficiently representative number of States. However, it seems certain obstacle on the development and expansion of contacts between states and peoples. This circumstance is emphasized by the anglo-saxon researchers as a factor, which is need to restructure of the hereditary relations of conflict regulation.

Structure: the introduction, the two chapters, containing six paragraphs, the conclusion and the bibliography.

Summary: In Russia in field of inheritance rights foreigners have the same rights as Russian citizens. Thus in accordance with Russian law, foreign citizens may inherit and bequeath property, they can be heirs as Russian citizens. No restrictions are established in regard to inheritance by foreigners in Russia; in the field of inheritance they are given national treatment regardless of whether they live in the Russian Federation or not.

Providing national treatment to foreigners in the area of inheritance, our legal system does not put any conditions on reciprocity - from this principle there are agreements concerning legal assistance, which provided that citizens of one country fully are equaled to citizens of the other country in relation to inheritance. In these contracts there are questions of recognizing the ability of foreigners to inherit under the law and under the will on a par with its own citizens, the transition of inherited property to the heirs-foreigners on the same terms and conditions as to its own nationals; regarding the ability to compile and revoke a will on property located on the territory of this country.

In all cases inheritance with a foreign element will be determined by the law applicable by virtue of conflict or domestic law of a State, or by virtue of the rules of the international agreement. It should be noted that in this area of international law, there are still difficulties and uncertainties arising from the resolution of hereditary cases, which explains the significant differences that exist in the domestic legislation in the field of inheritance law.