

Key Words: hierarchy, norms, international law.

Subject matter:“The question of the Hierarchy of Norms of International Law”

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The topicality of the research: the urgency of a theme of final qualifying work is determined by the fact that on the threshold of a new Millennium, the world community faced a number of fundamentally new problems and challenges. In terms of the collapse of the bipolar system of international relations worsened geopolitical confrontation between East and West, which led to a catastrophic decrease in the level of control of international risks and gave rise to a number of serious local conflicts (Ukraine, Syria, etc.). Mankind continue to threaten the danger of a world nuclear catastrophe, environmental degradation, overpopulation, the threat of international terrorism. Given the threats and challenges put into question the institutional and conceptual framework of world order based on international law.

The aim of this work is that on the basis of a comprehensive analysis of this problem to formulate the basic principles of hierarchical structures of international law, identify its specific features and peculiarities of the modern "global world".

Objectives:

- to give a concept of international law and familiarize yourself with the basic principles of their classifications;
- to formulate the Foundation of the hierarchical structuring of international legal norms;
- to designate the place of "constitutional" norms in the system of modern international law
- to identify the foundations of the hierarchical relationship between the norms of international and constitutional law.

The theoretical and practical value of the research. The conclusions and proposals made as a result of the study can be used in further scientific development of problems of the theory of international law, the formation of the national doctrine on this matter, in lawmaking, and also in the process of teaching in higher education disciplines such as constitutional law of the Russian Federation, constitutional law of foreign countries, international public law.

The results obtained:

1. In our opinion, one of the most important aspects of the constitutionalization of international law is that its norms, as well as the rules of constitutional law subject to judicial interpretation. Accordingly, the driving force of Constitutionalization would be the international Court of justice in virtue of its capacity to generate constitutional norms and structures for resolving international disputes.

2. Some international legal instruments, in particular the Vienna Convention of 1969 on the law of treaties creates a normative framework of international law and that this factor is key to the constitutionalization of the latter. Judicial decisions of international judicial bodies, as well as the decisions of national organs of constitutional justice, creating legal precedents, therefore they are quite similar in performance to the national constitutional law, which allows to characterize it as a form of quasi-constitutional decision-making and therefore, provides grounds for the recognition of constitutionalization of the system of modern international law. While the legal system of a sovereign state is largely similar to the system of modern international law, therefore, the judicial practice could form the basis for constitutionalization. This argument emphasizes that the constitutionalization there is an alternative path different from the path characteristic of domestic legal systems. The system of international law could become a type of constitutional system.

3. The tendency to hierarchization international law is confirmed by article 53 of the Vienna Convention on contract law: mandatory norm of General international law is a norm accepted by the international community of States in its

community and is recognized as a norm, deviation from which is unacceptable; this can only be changed by the adoption of new norms of General international law, with a functioning legal norm of General nature.

Recommendations: it is possible to conclude that the international obligations of the Russian Federation, under the generally recognized principles and norms of international law have priority over the Constitution, the rules which in turn are prioritized in relation to the obligations and international treaties. Based on the above we can propose the following scheme of hierarchical subordination of the norms of international Maritime law of Russia:

3. Universally recognized principles and norms of international law;
4. The Constitution Of The Russian Federation;
5. International treaties of the Russian Federation that do not contradict the universally recognized principles and Constitution;
6. The national legislation of the Russian Federation.