

SUMMARY

Key Words: non-discrimination, principle, private international law, foreign trade

Theme of final qualifying work: «Principles of the international private law»

Author: Dagiroy A.

Supervisor: Berlyavskiy L.G.

The supervising organization: Pyatigorsk State University

The aim of the research: it is caused by that in cases of absence of accurately formulated legal instructions, and also for more correct understanding and interpretation of existing norms, often it is necessary to address to basic positions of the right. Thus, theoretical working out of branch principles IPL helps to apply more correctly norm and it is better to understand their essence, and also social and legal appointment.

The methods used historical, legal, dialectical methods of logical deduction and Induction, system-structural approach, comparative legal and formal-legal methods.

Problems: - to study concept and hierarchy of principles of the law;

- To understand the bases of classification of principles of international private law;
- To analyse a principle of equality of the national right of the states;
- To investigate a principle of compulsion of application of the foreign law;
- To study a principle of protection of the domestic law and order;
- To analyse a principle of an autonomy of will;
- To understand a principle most a close connection;
- To investigate a principle of territorial localisation.

The results obtained and their novelty: it is devoted consideration малоизученных aspects in a science of modern international private law. The practical importance of research is expressed that scientific working out of some concrete questions, substantive provisions, conclusions and practical recommendations can be taken into consideration at definition of a place and a role of principles in system of the international private law

The theoretical value of the research: concrete recommendations and offers are developed on the further perfection of the legislation and practice of its application. The international private law is the independent branch of the Russian law regulating private relations, complicated by a foreign element, with a method of the legal regulation peculiar only to it, which essence in collision overcoming. Thus two ways of legal regulation are inherent in the international private law: collision-legal and is material-legal. The national and international unified conflict norms which solve a collision by a right choice, and also the international unified material norms which remove a conflict problem can be included in standard structure only. National (internal) material norms of direct action regulate international private relations only in the case of selection of that right to which they belong.

The practical value of the research and spheres of application. General system of classification of all legal principles concerning sphere IPL, can be constructed as follows:

- 1) General principles of the right operate in all without an exception branches of the Russian law;
- 2) Principles of the international (public) law — operate in all without an exception branches of the Russian law;
- 3) Constitutional principles — operate in all without an exception branches of the Russian law;
- 4) Interbranch principles — operate in the several related (adjacent) branches of the law;

Branch principles of the international private law are inherent only Russian IPL. It is obviously important to divide them into two blocks:

- I. The principles causing possibility and necessity of application of the foreign right and limits of its application for regulation private of relations with a foreign element.
- II. The principles causing possibility and necessity right choice at the decision of law application and decision the conflict problem.