

SUMMARY

Subject of the thesis: actual problems of marriage and family relations in international private law

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The relevance of the subject of research. As it is known questions of the family, taking care of children, the process of marriage registration and termination of marriage must be governed by the state. Moreover, in the field of marriage and family today there is a rapid development of relations with international character. The increased interest in this issue is not disputed, however, the declared interest on the part of the state is not confirmed in practice.

The Alternative Report to the UN Committee on Economic, Social and Cultural Rights, prepared by Russian NGOs on the theme «Shared socio-economic crisis of the family and children in the Russian Federation, its Causes and Cures» is indicated by the widespread and «chronic» failure of Russia to comply with the basic recommendations of the UN Committees relating to the protection of children's rights».

It follows that the Russian Federation which has an obligation to give priority to children's rights, their survival, protection and development, in fact, is not able to effectively perform this task.

Thus, the gaps in the legal regulation of international adoption often lead not only to significant violations of children's rights, but also make it a commercial activity.

As practice shows, there appear more and more problems every year. Today following important questions remain unresolved:

- the form and terms of the marriage;
- unisexual marriages;
- polygamy and monogamy;
- racial and religious restrictions;
- ban on marriages to foreigners;
- the need to resolve (diplomatic, parents or guardians) to enter into marriage;
- «limping» marriages etc.

The object of the research is a complex of marriage and family relations of the international nature of the regulated rules of private international law and the norms of the national legislation of the Russian Federation.

The subject of the research are the questions that arise in the theory and practice of the legal regulation of marriage and family relations of international character.

The purpose of the research is development of the concept of legal

regulation of marriage and family relations of international character, including issues related to the protection of children's rights and international adoption.

The following **tasks** are set in relation with the above mentioned purpose of the research:

- to define the legal content of the concept of «marriage and family relations of an international character» and other terms used in the domestic doctrine to describe marriage and family relations as the subject of private international law of the Russian Federation;

- to research validity of applying the category «foreign element» to marriage and family relations in terms of doctrinal development and use of the phrase in the domestic legislation;

- to form the main features of the problem and to identify marital and family relationships of an international character;

- to analyze the scope of relations between parents and children, and to explore issues of maintenance obligations in the domestic and international private law;

- to explore issues of international adoption, taking into account the statistical data;

- to consider the peculiarities in the area of deprivation of parental rights.

Scientific novelty lies in the fact that the paper analyzes the state marriage and family relations not only at the current situation but also in a number of possible actions applicable in the future. The paper is one of the first ones which examine recent legislation adopted in 2012-2013, including laws involving issues of unisexual marriages and international adoption.

The **provisions** submitted for thesis defense:

1. Speaking of marriage and family relations with international character, it should be noted that these relations are subject to national regulation of conflict of laws of the Russian Federation. Given that sections VII of the Family Code and Sections VI of the Civil Code contain special system of national conflict of laws rules that have their own subject of regulation, it is considered possible to distinguish a sub-sector in international private law of the Russian Federation - international private family law.

2. In the legal system of Russia the phrase «marriage and family relations complicated by foreign element» that is used in international private law is synonymous to such phrases as «marriage and family relations of international character» and «cross-border marriage and family relations». In turn, the concept of a «foreign element» used in the phrase «marital and family relationships» emphasizes characterization of the relationship as an object of international private law. In order to secure the legislative consistency there should be a category of a foreign element in family law, the case of Title VII of the Family Code of the Russian Federation.

3. As there is no special Russian Federal Law «On the Rights of the Child» it is considered important to have a specific mechanism of regulation and legal consolidation of human rights and their protection - the Federal Law «On the Rights of the Child». As a result of the analysis of the sectoral legislation

enshrining the rights of children and their protection both at the Russian and international level it is considered important to encourage public support of youth and children's organizations established by political parties.

4. In the field of international adoption we consider it necessary to amend the article. 6 of the Federal Law «On measures of impact on those involved in violations of fundamental human rights and freedoms, rights and freedoms of citizens of the Russian Federation». So, it is suggested to lift a ban on adoption not only for U.S. citizens, but for the citizens of the states that do not substantially meet the requirements of the Family Code of the Russian Federation.

5. It is also necessary to adopt a special Convention affecting children's rights in the event of deprivation of parents (one of them) of parental rights. Specific proposals are reflection in the framework of the Convention of the standards of possible charge imposed on a parent in favor of a child in the amount of compensation for moral and material damage and the need for judicial review of the issue of eviction of the parents (one of them) who are deprived of parental rights of the premises where the child resides for the period of proceedings for deprivation of parental rights.