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MAIN TRENDS IN THE MODERN LEGAL INTEGRATION

The article analyzes certain aspects of the modern trends in the development of national legal systems in the conditions of the globalized society. It presents an overview of the challenges, changes, and perspectives concerning the ways for the legal integration. It is suggested that all this aspects relate to a «reset» of legal regulations, which is demonstrated through peculiarities of the development of national legal systems, the development and accomplishment of the ways of their convergence, improvement of the mechanisms of their interaction.

In terms of the development of national legal systems it is stated that the basic trends have been shown up through the maintenance of basic rights and interests of an individual; through ensuring democratic principles, strengthening a leading role of private law tools, etc.

As to the ways of the modern legal integration it occurs obvious that harmonization and its various forms and methods, acquisition of practices and principles of foreign national legal systems, the extension of national law over the territory of a foreign jurisdiction etc., contribute substantially to such integration. On the agenda there is also an issue of the future development of the so-called global law order.

Key words: globalization, legal integration, unification, harmonization, convergence, legal order

Problem statement. Nowadays a term «globalization» is commonly used to describe the increased flow of knowledge, resources, goods and services among nations. The term is sometimes defined as «the development of an increasingly integrated global economy marked especially by free trade, free flow of capital and the tapping of cheaper foreign labor markets»[1]. Globalization can also be described as a process by which the people of the world are unified into a single society and function together. This process is a combination of economic, technological, socio-cultural and political forces. The term is, however, often used to refer in the narrower sense of economic globalization, involving integration of national economies into the international economy through trade, foreign direct investment, capital flows, migration and the spread of technology. In a broad sense, globalization encompasses all spheres of life, leads to an intensification of cooperation between states and deepens their interdependence.

Globalization also brings fundamental changes in to the law and affects mainly the areas subject to legal regulation. In today's world the above men-

tioned and other processes, the relationship between people, organizations, and states are impossible without a clear and comprehensive legal regulation that maintains civilized relations.

The political opening of states, the technologies of communication, the expanded economic areas lead to increases in cross-national communication of dispersion of production system, transnational trade, global markets, mobility of people and businesses etc. These processes have both desirable and undesirable effects: for example, trade with legal goods profits as does trade with illegal goods; mobility of people is facilitated as is that of unwanted persons, etc. [2, p. 126–134]. All these leads to an awareness of the increasing role of laws, in general, in modern world that are designed to create a framework conducive to international exchange and at the same time to minimize risks [3, p. 205].

Due to the expanding transnationalization of activities legal questions that transcend borders arise more and more frequently. This is true of all law systems: national and international law, private and public law. For instance, in the context of private law, parties in different countries sign sales contracts, multinational enterprises form cartels that affect the world market, copyright violations occur in many countries simultaneously. Public law, in its turn, deals with cross-border cases when emissions damaging to the domestic environment are released from foreign territory, or multinational concerns divert profits to their subsidiaries located in offshore «tax havens». In the area of international law new problems arise in connection with transnational terrorism and global organized crime.

As a result of this increasing need for cross-border regulation, the traditional law of the nation-state is confronted more and more frequently with transnational activities that affect several states, engenders legal decisions that must be enforced in foreign territory and raises issues that can only be solved on a global level [4, p. 12–14]. Thus, the issue arises as to the transnational applicability of law and enforceability of law in foreign territory, and also to the need to cope with new global changes that overcome the regulatory capabilities of individual national states. The issue of the applicability of a national legal system to activities that are of transnational character arises in different law systems. In private law this issue is added by the additional problem — a conflict of laws situation. It is a common practice that international private law instructs courts, where the situation requires it, to apply foreign law. According to general rules of international law, states have authority to prescribe law with respect both to a conduct that takes place partially or entirely within its territory and to a conduct that has effect within its territory. Due to numerous global applicable systems it is often a case that more than one legal system may be applicable to one and the same activity, that not only are provisions regarding the applicability of law necessary, but also rules governing conflicts of law — rules that establish the priority of a particular legal system or that eliminate conflicting norms or values [5, p. 165].

Due to the fact that national legal systems differ from one another, the choice of applicable law can lead to advantages or disadvantages for the par-

ties involved. In practice this differences are exploited to avoid consumer or creditor protection provisions by using choice of law rules by the contractual parties (in private law), or evade domestic criminal legislature by transferring activities abroad (in public law). Examples of employment of «artificial connecting factor» with foreign legal systems may be used anywhere: in ecological sphere — the disposal of environmental contaminants in countries with minimal environmental protection standards; in financial sphere — the announcement by financial institutions of their relocation to another country with the view to avoiding more strict regulations in their residence country, etc. Considering these facts it is obvious that there is a need for clear jurisdictional and conflict of law rules for the various legal systems to prevent abuses of law and forum shopping.

Another challenge for a cross-border legal regulation is: how to make possible enforcement of national norms in foreign territory? It is evident that in most cases decisions of courts (criminal, civil, administrative) are enforced within their own territory and the enforcement of national measures abroad requires special legal regulations and implementation procedures. Naturally, not always these procedures are being put into effect without facing obstacles of subjective and objective character. Thus, an important task of the law in the global world is to guarantee that, where it is really necessary, regulations are not only nationally but also «transnationally» applicable and enforceable.

A further task of law in a global world includes dealing with large-scale challenges that are of common concern of several states. Such issues cover protection of security in the face of terrorism, protection of the climate, the arctic, financial markets, intellectual property in the Internet, as well as new international institutions and values such as, for instance, the financial interests of the European Union, the functionality of international tribunals, etc., whose very existence is a result of globalization. Accordingly, these new areas need common models and structures with which the solutions can be achieved.

Analysis of recent research and publications. There is no lack of scholarly attention to different fields of the issue. For example, general and particular issues of globalization, the role of law in modern integration processes, etc. were explored by prominent foreign and domestic law experts: Anufrieva L. P., Basedow J., Bakhin S. V., Boguslavskiy M. M., Vilkova N. G. Vishnjakov A. K., Dovgert A. S., Sieber W., Kabatova E. V., Kuznetsova N. S., Lebedev S. N., Lukashuk I. I., Makovsky A. L., Merezhko A. A, Onishchenko N. N, Parkhomenko N., Sadikov O. N., Skakun O. S., W. Tetley, Tikhomirov Y. A, Entin M. L. and other.

Paper purpose. The purpose of this research is to explore a leading role of law in modern conditions of the globalized society through the revealing of traditional and new legal forms of the convergence and interaction of national legal systems.

Paper main body. According to authorities' views the basics trends in the evolution of national legal systems under the modern conditions of the widespread integration are shown up in the following.

First of all, a priority is given to the maintenance of basic values of the modern society such as: material and spiritual needs of an individual, its well being, safety and protection of the rights and freedoms [8, p. 89]. Further on, among the head tendencies are considered: ensuring democratic principles in the public affairs' management; embodiment into a content of existing law universal moral principles and standards, and the ideas of justice and humanity; strengthening the rule of law principle, independence of judiciary systems, the constitutional control over the adoption of legal acts; increasing the authority of law, the judicial protection of human rights and interests [31, p. 138].

Specific attention in modern conditions is also paid to the legal regulation of environmental problems; expansion of the scope of legal regulation in the condition of arising new relationships in the fields of information technology, space exploration, numerous scientific research in medicine, etc. [2, p. 206].

In addition, methods of legal regulation have undergone some changes: in particular, the role of discretionary method, based on a free and fair expression of the will of people and organizations to enter into a legal relationship, is being strengthened [9, p. 55].

It is quite natural that the ongoing trends and significant changes in national laws have been formed as a result of the states' rethinking a role and a position of their national laws in the era of global changes, of an active approval of universally recognized legal principles and norms of international character, a positive legal experience of other countries, etc.

Among main recent achievements of the civil law reform in Ukraine, according to the opinion of prominent Ukrainian legal scholars and practitioners, is bringing back to the legal system of Ukraine principles, concepts and categories of natural law and an individual, which have gone the way of development from the Roman private law to the modern European law. Among new elements and selected trends in the development of private law in Ukraine there appears the rejection of «dualism» of private law, the results of convergence, harmonization and unification of the separate groups of norms in reliance with the relevant rules of universal international conventions and the EU law, etc. [10, p. 57].

This approach is reflected in provisions of various Ukrainian civil law rules and legislative acts. For instance, at the present stage of the development of private law under a new angle the traditional sources of civil law are regarded. Along with legal rules as a source of civil law other systems of normative control have been strengthening their position, and namely: the principles of natural law, civil law contracts, treaties, customs, judicial practice. This may be explained by different reasons: firstly, by the objective inability of laws to cover certain life situations; secondly, sometimes by incomprehensibility of certain rules; thirdly, by complex rules of interpretation of laws, lengthy procedure of adoption and making changes to laws, etc., as well as by the formation and development of civil society, in which there are non-state rulemaking centers [10, p. 60–61]. In addition to these causes the mentioned changes are seen as a consequence of the increasing role of the rule of law, democratiza-

tion of society, and, in many respects, the globalization of all aspects of life, the process of unification and harmonization of law, etc.

This tendency affected formation of many basic principles, included into the Civil Code of Ukraine, — the inadmissibility of willful interference with the private life of a person by state, state agencies and officials, as well as by any third parties, — that correspond to common humanistic approaches of the European Convention on Human Rights, which by virtue of its ratification by Ukraine became an integral part of its national law. In addition to this principle, the general framework of civil legislation of Ukraine consists of other principles: the inviolability of property; freedom of contract; freedom of entrepreneurship; judicial protection of civil rights and legitimate interests; fairness, good faith, reasonability [12, art. 3].

Legislative embodiment of the principles and other provisions of the national law as a whole suggest that the process of regulation of social relations, particularly in the field of private law, in modern Ukrainian society is focused on compliance with the basic standards characterized for a democratic society [7, p. 309]. All this taken together indicates that Ukraine in its further development is aimed at integration into the European and global social and legal space.

As mentioned above, globalization as a process started from the spheres of economy and technology, and now the process has affected all spheres of human life: economy, politics, strategy, information, environment, international law, etc. [13, p. 47]. Despite the fact that the most intense globalization processes take place in the economy and are exhibited in the formation of a common world economic space, the role of law in this process grows and is expressed in the reform of the existing legal principles of regulation of the economy, the development of a common legal language and the economic and legal categories, as well as standardized law governing economic relations, which serve as common to all states participating in international relations [13, p. 48].

In this regard, it should be emphasized that the first phase in the globalization process is considered to be the transition to the establishment of the global economic and legal order, which is characterized by a change in the leading role of the state in the economic sphere of life, transformation and rejection of some of its functions [13, p. 50]. It follows that, for example, some spheres of production, financial flows are beyond the control of individual states; the state's share in the creation of gross domestic product is reduced by transnational economic structures; currency regulation and financial control are weakened; a proportion of states involvement in foreign trade is considerably reduced, etc. [4, p. 78]. Under these conditions primarily private law tools play the dominant role: general importance of civil law, subsidiarity control techniques are steadily increasing [14, p. 562].

The second phase of globalization is called a coherent, active and relatively stable economic and legal relationship between states with the involvement of all legal forms of interaction (unification, harmonization, adaptation, approximation, standardization, implementation, and others), which have been stimulated by the development of modern international law [15, p. 64].

Thus, one of the most important trends in the era of globalization is also the increased role and scope of international law: the increase in the spheres of regulation of social relations by its rules, the active introduction into the legal systems of individual states its norms and principles. In the legal literature it is substantiated an idea that international cooperation of national legal systems, which is carried out in various forms, is a logical legal global phenomenon [16, p. 68].

Whereas in the past states in their development were more autonomous, independent, committed to protecting the domestic legal order from outside influence, aimed at regulating social relations by national law, today, in the conditions of the turbulent worldwide economic, integration, common challenges the modern states have been facing, international communication, information links between countries and regions, standardization of living conditions of individual states, strengthening care for the rights of an individual, the growth of transnational interests of humanity, etc., objectively highlight the need for convergence of legal systems [17, p. 12].

Integration trends are illustrated in different ways, for example, as it is mentioned above in this article, with the help of different legal methods and forms. Let us mention some of them, which are considered to be the most effective [11, p. 322].

Unification of law is considered one of the main methods of legal convergence, in particular, the unification of rules of substantive law. Under the unification as an instrument of achieving uniformity of legal rules [18, p. 17] is understood the creation in different countries' national legal systems of unified norms, intended to regulate the respective group of relations, which are going to replace the provisions of national law, thus creating a uniform legal space [9, p. 78]. When analyzing the evolution of forms of unification, the researchers identify two schemes of its implementation: spontaneous and purposeful. The first one was formed in the middle Ages in Europe under the influence of convergence and integration of economic activity in various areas of the human's life and, on this basis, the emerging need for international communication, relationships and interdependence between nations. It was carried out in the form of codified business practices and regarded mainly shipping trade area [19, p. 381]. The purposeful unification — specially organized activities for creation a single or unified legal regulation in the sphere of international relations — was formed fragmentarily in the end of the 19th century- throughout the 20th century, when unification covered almost all areas of international cooperation [20, p. 125].

Various institutional forms embraced this process, due to the length and complexity of the development of unified agreements, and, over time, a number of international organizations, activity of which was connected with a matter of unification, were established. These institutions include: The Hague Conference on Private International Law, UNIDROIT (the Rome Institute of Private Law), UNCITRAL (the United Nations Commission on International Trade Law), CMI (Comitй Maritime International), ICC (International Cham-

ber of Commerce), as well as a number of regional organizations and non-governmental organizations [14, p. 562].

Not less significant legal form of integration is implementation — purposeful organizational and legal activities of states, undertaken individually, collectively or through international organizations in order to ensure timely, full and complete implementation of international obligations adopted in accordance with international law [21, p. 122]. According to this definition, the implementation is considered as a preparatory stage of the application of norms. In many cases, subjects of international law directly in the international arena carry out the implementation. However, more often achievement of aims of international legal norms is possible only through their implementation within the state, by means of internal policy [22, p. 337]. As methods of implementation may serve incorporation, transformation, reception [23, p. 61]

In the era of the rapid transformation of international and regional law one of the leading legal integration tools is regarded *harmonization*. In jurisprudence there is no a common approach as to the definition and essence of the phenomenon. Harmonization is mainly considered as: 1) a publication of a legal framework, in compliance with which states word their domestic legislation (in this way the legal systems of different countries become closer, but do not reach complete uniformity); 2) an introduction of general legal principles, governing specific areas of public life provided that there is a space for states to preserve their own national legal regulation; 3) a process of concordance of states' and international organizations' views on the purpose and legal development priorities, actions, aimed at creating a common legal framework through the approximation of different national legislations, etc.

In most cases the appearance and use of the term «harmonization» and its related terms «unification», «convergence», «approximation» etc. is connected with the creation and activities of the European Union and the indication of the fact of correlation between the European law and national laws [23, p. 58].

Despite the obvious global trends to the «universalization» of legal regulation by the use of different methods and forms, in the course of this process, the autonomy and identity of various legal systems, especially their own legal experience, the established judicial practice, etc. should be recognized. Today, as experts see it, it is necessary to speak not about the total universal legal uniformity but rather of the maximum convergence of national legal systems, based on proven principles and norms that parties are free to adopt [9, p. 90]. There is also a view that it is more appropriate to address the question in a different way and to focus on the improvement of the «cooperation mechanisms» between national legal systems as a real and objective process of international collaboration [24, p. 54].

In practice, such cooperation mechanism can be implemented through a national regulation concerning the recognition of foreign agency decisions, decisions of foreign civil, criminal, administrative courts and arbitration institutions by means of administrative and legal cooperation [25, p. 528–529]. This coordination of national decisions and their legal enforceability in another system are unproblematic usually if two legal systems have similar legal

regulations. In contrast, the extension of the application of judicial decisions faces difficulties if is in «a conflict» with a law in the requested state: for instance, violates the «ordre public» [26, p. 518] or any other fundamental values of the other state. In this case the law of cooperation is characterized by certain reservations and exceptions.

For example, in the context of recognition of judicial decisions within the European Union's member-states an effective law of cooperation is possible only on the basis of legal harmonization and mutual trust. The discussion of the principle of mutual recognition of judicial decisions in civil and criminal cases illustrates the innovative capacity of European law, and also laws of non-member states, in the development of new forms of interstate cooperation [26, p. 345–346]. Here it is worth mentioning that this statement is also true of Ukraine [27].

In terms of the cooperation mechanism it should also be mentioned a creation of new hybrid institutions designed to improve cooperation between national agencies, for example: the agency Eurojust and the police agency Europol[1].

The mechanism of interaction between national legal systems may display itself through the process of borrowing the experience of the developed countries, the legal principles and norms of different branches of law. Such a method is relevant for Ukraine, since for obvious reasons Ukraine is in the beginning of the reformation of its legal order. To adopt it to requirements of the market economy it is of a vital importance to borrow ideas and principles from the experience of leading countries. It is recognized that this process not always can proceed smoothly and painlessly to any national legal system: the necessary condition to achieve a positive result in this case is that the borrowed from another legal system rules or institutions are fairly well understood in terms of their compatibility with the existing system in the host legal culture, its legal techniques traditions, jurisprudence and other important aspects that this legal system is made of. Also the possible consequences of the incompatibility of elected for the reception of foreign legal structures with existing national regulations need careful analysis. In those cases, when it comes to borrowing the basic principles and rules from relatively close legal systems, such as systems of civil law, and even in the field of private law, the processes of interaction between states are much faster.

As an example of such an interaction «mechanism» the DCFR (the Draft of Common Frame of References) can serve, a document that comprises of principles, definitions and model rules of European Private Law[2]. Advantages of this document are as the following. Firstly, it is a model of modern civil law, being the product of a pan-European civil law school and providing better control of the respective relations in a highly developed market economy

[1] Eurojust Annual Report 2013. — See at site: http://www.eurojust.europa.eu ; See about Europol at site: http://www.europol.europa.eu.

[2] Principles, Definitions and Model Rules of European Private Law: Draft Common Frame of Reference (DCFR). — See at site: http: //ec.europa.eu/justice/contract/files/European-private-law_en.pdf

and not «burdened» with any national dependence. Secondly, it embodied the principles of law and legal systems of institutions of both the civil and the common law, which testifies to their close interaction and thus meets the challenges of globalization. Thirdly, it is designed by an international team of professionals — leading European lawyers, free from political considerations, and focuses primarily on the interests of the professional community, and not the interests of individuals, agencies or departments, thus being «objective» regulator of relations in the sphere of private law.

Given the advantages of this document, its importance seems to be quite obvious for the development of modern Ukrainian civil law in theoretical and practical terms. Moreover, the document follows the continental tradition of codified law that is also inherent to our national civil law. The initial introduction and subsequent study of the provisions of the DSFR will help not only in the law-making activity, that is to say in the formulation of new or improvement of the existing civil regulation, but also in increasing the common legal culture of the Ukrainian legal community involved in the economic turnover. This is important especially in the current level of Ukraine's social development, which is aimed at reforming its national law in a spirit of global values of modern civilized society, which, in turn, represents one of the major global trends of modern law in general.

In conditions of a commonly defined policy international cooperation models are well situated to contribute to the solution of global problems. National law-making bodies can easily accept their regulations. Another advantage of the cooperation models is maintaining the national sovereignty of the participating states and thus supporting the principle of subsidiarity. Despite these advantages, difficulties may arise where there is a lack of harmonization and unity, including the reservations regarding the transnational implementation of national decisions, problems that arise due to the lack of agreement or to the difficulty of coming to agreement concerning global solutions, etc.

Considering the difficulties national cooperation models encounter in the coordination of different national legal orders it is worth to draw attention towards the one of the newly emerged trends in the development of modern law in planetary scale — interaction of international and domestic law, or to say more precisely: «blurring» the boundaries between domestic law and international law [8, p. 92].

For that reason in today's global legal academic community it is becoming increasingly popular a concept of a global legal order that is created basically on the convergence and achievement of uniformity of all legal systems, both domestic and international, on the basis of common norms, standards, legal principles [28, p. 86–87]. Thus, relatively speaking, a «subsystem» of the global legal order include: international law; national legal system; new norms, institutions, industries, regulating the relations of international, inter-regional economic enclaves, cross-border businesses and so on [28, p. 342].

Being closely related, these components still exist as independent parts of the global law. Experts predict that the basic tendencies of the future evolution of the legal systems will be their constant approximation to each

other and achievement of harmonious communication and cooperation in all spheres of life and regions of the world, taking into account the matching of needs and interests of different countries, their associations, individual regions, different groups, corporations, socio-economic structures, etc. [28, p. 343].

Trend towards global legal order are displayed in many ways: for example, international treaties and other documents utilize such new concepts as global law, global responsibility, global law enforcement, international crime, etc. Moreover, the adjective «global» is used not only in the field of law, but also in the areas of economic life, human and environmental security, etc.

It is hoped that the global legal order will act as an objective and fair normative and controlling system in the fight against the economic, financial, political and other interests of different states; as a tool protecting the weak and poor parties and the interests of the minority of population. It is also seen as a means of reconciling the needs and interests of different groups, corporations, social and economic structures; as a guarantor of harmonious communication and cooperation in all spheres of life and regions of the world. In this regard special significance is given to the comprehensive development of new forms of law, which are now being actively implemented in the legal regulation, primarily in the economic sphere: laws, programs, acts, doctrines, recommendations, framework laws, model acts, etc.

Another relatively «new» legal phenomenon on a global scale is represented by the «common European legal space», or the so-called European law [30, p. 19]. Component parts of this concept are distinguished as: rules of international law relating to the European states; judicially-created rules of the European Union states, which are the basis for the solution of concrete cases (these are the precedents of the European Court of Human Rights); states' national laws that have been adopted on the basis of international treaties concluded with other European countries and act as a form of implementation of international legal norms [30, p.38]. A typical example of the formation of the European law is the work of the European Union's bodies. Its acts are a part of the legal system of the member-states: they are the same for all the EU member-states and are binding in relations between entities within the states [30, p. 142]. The European Council and the European Commission, in accordance with the Treaty on the European Union, may issue regulations, directives, and decisions; formulate recommendations and give opinions [30, p. 129]. Regulations are mandatory for parties to the Treaty: aimed at harmonization and unification, they «advice» states on the purposes to be achieved, but at the same time give freedom to the individual states' establishments to choose on their own forms and methods of achieving them [31, p. 12; 32, p. 152]. Thus, here it is about a combination of mandatory and secondary regulations of the EU, and a priority of the unified law over national law and order of an individual European Union country.

In the process of its evolution and interaction with other legal systems the European law has passed a hard way of formation, and today it has acquired weighty importance as a separate «player» in the regulation of social relations:

it is separated from international law; mandatory character of its provisions is being strengthened, they are being increased in number, they cover more areas of relations (in the sphere of environment, culture, education, health, science, customs, defense, crime, etc.) between the EU states and other actors of the European integration ; it is correlated with national systems of the EU states on the basis of its direct action, integration into domestic law, and also through the full force of national judicial authorities [33, p. 215].

Formation of a global law order would be unthinkable without a gradual improvement of the system of legal procedures for resolving economic and other kind of international disputes and conflicts. In criminal matters, for example, there have been worked out measures of international responsibility for crimes against humanity, international terrorism, etc. Nowadays the question is about a search for new forms of international liability for crimes, for example, for economic crimes [6, p. 273]. Currently it is being heard proposals for the creation of a new international body — a geo-economic tribunal, a sort of international judicial panel, that would carry out examination of cases on economic aggression [28, p. 88 — 90]. Such calls are caused by the current practice of using unfair competition, dumping, monopolization, etc. to mitigate the economic and financial potentiality of competitors or «weak» players of the world market, etc. As the initiators of the idea suppose, the so-called geo-economic tribunal could constantly monitor the global economic processes and financial flows in the world; take measures to resolve conflicts, economic wars between economic entities; deal with complaints and claims of the states, etc., with regard to unfair distribution of the world's income, or imposition of onerous conditions of economic contracts etc. [28, p. 89].

Conclusions. The study suggests that in modern conditions of the globalized society new relationships in all spheres of human life have come into existence over the years, which poses a number of tasks to the international community, including legal challenges. It concerns the modification and «reset» of legal regulations in the new conditions, which is demonstrated through peculiarities of the development of national legal systems, the development and accomplishment of the ways of their convergence, improvement the mechanisms of their interaction. For emerged transnational activities globalization requires that the scope of application of national law be defined, that the cross-border enforcement of law be facilitated, that en effective regulatory system be crated. Along with the development and integration of national legal systems on the agenda is the question of the future development of the so-called global law order, which is intended to be objective and fair regulator of relations in terms of transnationalization and globalization.

Under these circumstances, it is quite obvious that harmonization and its various methods; acquisition of practices and principles of foreign national legal systems; the extension of national law over the territory of a foreign jurisdiction etc., are considered as tools, which contribute substantially to the integration. It is important to realize that the legal integration processes must be mutual and must not inhibit the identity and prospects of development of a national legal system.

Due to the intensification of the globalization process these calls have increasingly become a core issue for the global economy and society in the whole. As yet the realization of these requirements has brought about fundamental changes in the law of the world societies that have not only led to new legal regulations but have also led to fundamental changes in the legal control systems.

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ОСНОВНІ НАПРЯМКИ СУЧАСНОЇ ПРАВОВОЇ ІНТЕГРАЦІЇ

Резюме

Нові відносини у різних галузях людської діяльності, що виникають у сучасних умовах загальної глобалізації, ставлять до міжнародної спільноти низку запитань, включаючи правові. Це стосується проблем модифікації та «перевантаження» сфери правового регулювання, які проявляються через особливості розвитку національних правових систем, розвитку та реалізації шляхів їхнього зближення, вдосконалення механізмів їхньої взаємодії. Відносини у різних сферах транснаціональної діяльності потребують чіткого визначення сфери застосування національного права, полегшення процесу його «транснаціональної» реалізації, формування ефективної правової регуляторної системи. На порядку денному, поряд із розвитком національних правових систем та їхньої інтеграції, також стоїть питання про подальший розвиток так званого глобального правопорядку, який розглядається як справедливий та об'єктивний регулятор відносин в умовах «транснаціоналізації» та глобалізації.

Ключові слова: глобалізація, правова інтеграція, гармонізація, зближення, правопорядок.

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ОСНОВНЫЕ НАПРАВЛЕНИЯ СОВРЕМЕННОЙ ПРАВОВОЙ ИНТЕГРАЦИИ

Резюме

Возникающие в современных условиях всеобщей глобализации новые отношения в разных отраслях человеческой деятельности ставят перед международным сообществом ряд вопросов, включая правовые. Это касается проблем модификации и «перезагрузки» сферы правового регулирования, которые проявляются посредством особенностей развития национальных правовых систем, развития и реализации путей их сближения, совершенствования механизмов их взаимодействия. Отношения в разных сферах транснациональной деятельности «требуют» четкого определения сферы и границ применения национального права, облегчения процесса его «транснациональной» реализации, формирования эффективной правовой регуляторной системы. На повестке дня, наряду с развитием национальных правовых систем и их интеграцией, также стоит вопрос о дальнейшем развитии так называемого «глобального правопорядка», который рассматривается в качестве справедливого и объективного регулятора отношений в условиях «транснационализации» и глобализации.

Ключевые слова: глобализация, правовая интеграция, гармонизация, сближение, правопорядок.