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Research Article

CIVILISTICS AS AN INTERNATIONAL PHENOMENON

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The definition of the value of law, including private law, is currently quite a relevant and significant issue both from philosophical (theoretical) and practical points of view, since recognition of the law's value will help to improve legal control over social relations and, therefore, will encourage social and national development in a progressive vein. The purpose of the research in the framework of this article is to define the functional role of civilistics regarding its functional purpose in the context of control exerted over various areas of social life on a world-wide scale. A systemic functional approach is used as the definitive research method that allows studying functions of private law in the context of the axiological approach. Aside from the abovementioned approach, other scientific methods of inquiry were used in the course of the research, including a legal hermeneutics approach. Over the course of the research, the authors have come to the conclusion that civilistics as a category is a multidimensional one, while proving that civilistics constitutes the greatest accomplishment not of a certain nation, but of all of humanity, since it serves as an all-purpose controller of social relations, in the life of society and the state.

Key words: *civilistics, private law, civil law, private law relations, value, principles of law, universal mechanism for legal control, globalization, unification, reception*

Introduction

Civilistics... over the course of many years researchers have been using this term without defining its meaning, inwardly agreeing that this term is generic and is undoubtedly obvious for any reader or audience member. Civilistics is often understood to be the science of civil law, but such an approach is hardly completely correct. Civilistics is undoubtedly a science, but it goes beyond. The meaning of this term is infinitely greater. Civilistics has embodied not only dry science, but also vibrant law – private law – in all diversity of its manifestations as well, taking its development (minus inconsistent and superficial aspects) into account. According to an incredibly keen observation by A. G. Didenko, private law, civilistics '... needs to be viewed as a generalized phenomenon that manifests itself in its entirety and provides for a broader range of different phenomena than just a law branch, a science or legislation' (Didenko, 2019: 61).

Undoubtedly, civilistics is a component of law. What is law though? What does it mean? What functions does it bear? Can one survive without it? These and other questions – similar in terms of their meaning and content globality – are the focus of the thoughts for many philosophers and legal theorists. 'The most sacred thing God has put on Earth' – that is how I. Kant spoke on the phenomenon of morality in law in general and its ethical component to emphasize the special functional purpose and clear moral aspects of law and

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its legal codes (Kant, 2007: 75; Semyakin, 2013). Meanwhile, '...the law largely manifests itself through morality established in civil society and then exalts the law through its lofty ideals and values' (Alekseev, 1999: 675). One would think that over the centuries-old history of political and legal thought, this subject must have been exhausted. However, even nowadays, defining the value of law is currently quite a relevant and significant issue both from philosophical (theoretical) and practical points of view, since recognition of the law's value will help to improve legal control over social relations and, therefore, will encourage social and national development in a progressive vein.

Private law represents a critical aspect of social life, a universal everyday routine. And despite all the existing disputes regarding the structure of private law in the juridical science (Akinfieva & Voroncov, 2020: 227–228), all the researchers invariably recognize the great significance of private law for social relations control. The disputes regarding its structure as such serve as quite convincing evidence that this area is closely connected with all the other areas of human and social life in terms of development.

Civilistics is the greatest accomplishment, a cultural value and a treasure not of a specific nation, but of all humanity. This statement holds a great philosophically meaning that allows defining the functional purpose of global private law (civilistics) as such within the system of social relations regulators established in the life of society and the state. That is why civilistics is able to break the boundaries in terms of time, space, cultural and national differences – anything. It is civilistics that will pass the understanding of the truth to the next generations.

The purpose of the research in the framework of this article is to define the functional role of civilistics regarding its functional purpose in the context of control exerted over various areas of social life on a world-wide scale.

Materials and methods

A systemic functional approach is used as the definitive research method that allows studying functions of private law in the context of the axiological approach. The abovementioned methodological approach has been chosen as the definitive research method due to the fact that it is this scientific cognition method that allows exposing the integrity and comprehensive nature of civilistics as a category and, among other things, to reveal the interrelation between private law and the system of law as such, as well as the functional purpose of private law in the context of social existence in terms of its evolution. Aside from the system-structural approach, the general scientific dialectical method of social phenomena cognition, general scientific methods (system-oriented analysis and historical method), as well as special methods of legal categories research (technical legal and comparative legal methods, the method of legal modeling) were used in the course of the research. A synergetic approach was also used that can be understood as a special world outlook concept based on development patterns for self-organizing systems that manifest themselves in national legal orders, among other things (Semyakin, 2018: 238).

Accomplishment of the purpose of the research is also driven by the legal hermeneutics approach that allows defining the essence of legally significant terms and categories and their interrelations with socio-cultural and historical development of society and the state.

The meaning of such categories as 'culture' and 'value' need to be made clear for this research. They are of great methodological importance for an understanding of the civilistics phenomenon and the determination of the prospects for global private law development. Culture (and its legacy) include not only material objects, but also a large layer of immaterial goods and phenomena. Hence, in the framework of this research, the term 'value' will be understood not as the ability of some object to be measured in money as a property, but something more global, closer to the term 'the good' to define the moral attitude to the outside world and the law as a part of this world. It is this understanding that determines the use of legal axiology, since '...all values the legal system embraces turn into a kind of a unique compass, a guiding vector for the development of all branches of law and legal codes both within the state and on an international level' (Lang, 2021: 9).

Results

Any society is always a complex organism, a self-developing system of relations between individual subjects united by multiple multi-faceted ties. Without a tool designed to put these ties in order, the system will disintegrate, and the well-established system will be replaced by disorganized chaos driven by the

striving of each individual to protect their own interests while ignoring the interests of other people. It is the law that serves as such a tool for social order. It is due to this functional purpose that the law can not be eliminated from the life of the community. This is what constitutes its special value.

Private law serves as the most progressive and rapidly developing part of the entire culture that meets the general trends of human society's development (Alekseev, 2011: 28). Civilistics, in turn, is the indestructible unity of all components of private law that permits talking about the existence of global private law as some functional entity and, therefore, the legal basis for the global community. As S. A. Stepanov noted, exploration of private law invariably results in recognition of a 'civilistic truth', where private law manifests itself in all its complexity, completeness and depth and seems '...a solid and universal phenomenon of not even law, but the highest legal culture that is not inferior to religion or morals in its purpose and power' (Stepanov, 2015: 204–205).

Thereby, civilistics has encompassed branches of law, science and legislation, completing this 'cocktail' with legal ideology, legal consciousness, legal traditions, and regulatory enforcement – all the things that shape the legal reality of any society in any historical period of its existence.

It is civilistics that ensures establishment of the legal reality '...from the scholarly views of understanding the law to rearrangement of the core law enforcement mechanisms' (Didenko, 2019: 61–62).

Modern society cannot exist outside of legal control. Effective private law codes that are actually in force are one of the prerequisites for the investment attractiveness in any state, which, eventually, leads to the development of all sectors of the economy. Private law holds a specific place in the legal system of any state, since it is aimed at the legal implementation and practical realization of the main constitutional principles of the economy, property relations, credit-and-monetary relations, etc. Meanwhile, private law actually 'knows no borders'. Demands for development of international commercial turnover, other economic ties and cultural exchange undoubtedly require recognition of the rights and obligations that arose based on legal grounds provided for by other legal systems. This prolongs the validity of one national legal system on the territory of an unlimited number of other countries.

On the other hand, constantly developing economic relations and the emergence of new economic sectors require thoroughly worked-out legal control. However, it should be noted that, unlike previous periods, today's private law codes begin to prevail over other regulators of private law relations, which, in turn, invariably leads to increased significance of these codes, and, therefore, to a growing number of requirements for private law rules. Meanwhile, these codes undoubtedly have to be uniform in terms of their concepts, aimed at having a consistent social effect that can and must manifest itself in the form of law and order and a high level of legal culture.

The history of private law development in the framework of any national legal system dates back several hundred years. There are no legal documents (starting from the ancient Code of Hammurabi) that have ever been of critical value for establishment and development of law as such and have gotten by without private law rules. And every time, with every new regulatory act, private law codes have developed to bring something new and 'unknown' into global law enforcement. The modern stage of private law development is no exception: its codes are in constant flux, they advance, are updated, become obsolete and are replaced with new ones. In other words, in the framework of private law in the modern global society, the processes of global actualization and modernization of all the codes and institutions comprising it are involved.

Representing global private law in all its diversity, civilistics holds a significant place in the framework of any national legal system, regardless of the political, economic or national structure of the state where this legal system exists. And this is quite natural, since private law is supposed to formalize economically significant relations, and the availability of exactly this function predestines the fate of private law as such: it appeared along with the state (or maybe even earlier) and it will continue to exist until the end of the state's lifecycle, until human society as such ceases to exist. However, private law has to change along with social and economic relations in society; otherwise it stops fulfilling its main function – the function of regulator and warrantor of stability of private law relations, and stability of the civil cycle.

Thus, civilistics with the entire abundance of its content turns into a part of the global culture and its asset destined to ensure the preservation of universal human values and the development of civil society in the framework of control over the relations for the society and the state that are the most important (because of their prevalence, among other things) – the relations associated with the enforcement and protection of subjective private rights and interests.

Discussion

The role of each legal sector in legal order development in individual historical periods is ambiguous. Leading positions in this process are often held by public sectors. It is no secret that different periods can be identified in the history of private law. Over the course of many years and even centuries, private relations remained outside government control. In other words, the state used to underrate the role of private law control mechanisms in the development of legal reality. But this does not mean that private relations remained outside the law. As early as in the Middle Ages and even in the age of ancient law, society realized that private relations by nature ran throughout the life of both society and the state and, therefore, constituted an integral part of the general legal order. Moreover, stability and regulatedness of private relations undoubtedly underlies law and order, the public sense of stability and security.

In 2018, in the Address to the Federal Assembly, President of Russia V. V. Putin noted that in the age of technological changes 'it is impossible to overestimate the role of culture that serves as our nationwide civilization code and reveals the creative energy in people'. In this regard, private law aimed at legal generation, comprehensive regulation, preservation and protection of subjective rights arising in this field take on special significance.

In the modern world, the added complexity of structure and dynamics of economic relations constantly leads to the increased significance of control over private law relations that serve as the institutional basis for the market economy. An important part of the private law evolutionary process is the development of large sets of codes to solve certain practical problems. This is about control over new phenomena in the life of society that have already become a part of its culture: digital rights, smart contracts, blockchain, Internet trading, crypto currency... this list can be extended almost endlessly, since there is always something new, something unknown in the life of human society that experiences one industrial revolution after another, and this requires a legal order to be established, subjective rights to be protected and legal interests to be legally formalized. It is private law that is destined to satisfy society's demands; it is private law that is the first to guard human interests by legalizing the relations between subjects.

Nowadays, one of the most important areas of any national economy is the market of innovations. The modern stage of society's development is marked by better results of creative activities not only in the field of culture, but in economic, social and other sectors as well. Effective protection of intellectual rights is one more indicator of democratic society development that is a prerequisite for a state's integration into the global economic community (Bliznec, 2021: 11). That is why it is so important to pay special attention to this aspect of social relations. Establishment of a well-developed intellectual property market is required to improve the Russian economic system and to boost its interregional and international collaboration. The process of establishing the Russian digital society includes development and promotion of the Internet (Rybakov, 2020; Shapovalova, 2016). The experience of recent years revealed how relevant this area of Russian private law is. Implementation of the Strategy for the Development of an Information Society in the Russian Federation for 2017–2030 (approved by Executive Order of the President of the Russian Federation No. 203 of May 9, 2017), entrance of Russia into the active stage of scientific and technical progress and digital technologies, inclusion of Russia into the list of countries that adhere to the innovative path of development have led to better results in intellectual activities in economic, social and political sectors, so that knowledge and ideas ultimately obtained the status of the most important economic assets. And private law promptly responded to the tasks at hand, since modernization of Russian private law in the field of intellectual property was aimed at solving problems in that area. The changes made allowed an increase in the level of legal protection for rights holders (by stiffening penalties for violation of intellectual rights, among other things), and some aspects of intellectual rights protection on the Internet were legally secured. Undoubtedly, there are still many changes to occur, but in general, the development direction of this part of the Russian legislation is indicative of closer attention by a legislator to the problems in this sector, which is certainly a positive development trend for private law as an integral part of the national legal system.

The opinion about the complexity of private law was formed as early as in the beginning of the 19th century. For instance, one could hear statements that '...to study civil law, additional knowledge is required. To comprehend the reasons and to reach the goal of the law, thorough familiarity with national history is required; to apply laws accurately to deeds that is the art of correct thinking, a lawyer needs

the science of logic'. However, '...since the subjects of law are the essence of the individual, things and deeds, a lawyer needs sciences related those sciences such as anthropology in general and psychology in particular, also physics, architecture, technology, the science of rural household management and other natural sciences the subjects of which are the essence of the things that constitute citizens' property' (Kukol'nik, 1813: 7–8).

In the world of 'open borders' united by the aspiration to create a shared economic space, insistent demands to unify private law codes are voiced, since such a measure would allow implementing the principle of stability and legal clarity to the fullest extent for all participants in the private law relations regardless of their national (state-legal) identity. That is why it is not enough to only explore the national legal system. As V. F. Yakovlev fairly noted '...in the context of globalization of economic ties and economic development patterns, synchronization of legal regulation of economic relations has taken on great significance. That is why the second basis and simultaneously the second goal of modernization is for the provisions of the Civil Code of the Russian Federation to come closer to regulatory rules for relations in the European Union, as well as for Russia to start using the latest civil code modernization best practices of such European countries as Germany, Holland and France' (Yakovlev, 2019).

It is common knowledge that the policy of national legal systems rapprochement in the field of economic relations control is a form of cooperation between states (Bublik, Semyakin & Gubareva, 2020). This rapprochement has an objective '...to create, put into effect through international legal mechanisms and ensure the enforcement of similar or identical legal regulations that ensure elimination of differences in legal control over certain kinds of relations' (Bahin, 2003: 19). In private law, globalization manifests itself in the concept of establishing shared, universal legal control.

It is impossible to dismiss the significance of such an interstate influence. Its existence was discussed by the civilists of the past. Thus, for example, G. F. Shershenevich noted that '...the modern civil legal order observed in any state resulted not only from its personal history, but from the history of the entire group of communities, the joint existence of which created the culture' (Shershenevich, 2016: 348).

However, choosing between two widely known legal systems rapprochement methods – unification and harmonization – it appears that the second option should be preferred. Unification of legal codes has only one goal: to erase all the apparent and implicit differences in legal orders of various states, and to converge these legal orders until they align completely. Historically, the practical interaction of legal systems in different countries has always caused quite a few problems because of disparities between legal codes. Implementing the principle of state sovereignty, each state secures in its legislation a rather extensive network of codes regarding the private-law status of parties to civil and other private law relations, the categories of things, property and other proprietary rights, as well as regarding transactions and non-contractual obligations, inheritance and intellectual rights protection. Meanwhile, each state is aware that in the modern world of open borders, a foreign element always appears in such legal relations that makes the legal system of this state collide with the legal system of the country this element belongs to. Ever since the times of ancient law, special rules have been established to solve conflicts like this: conflict rules and connecting factors that are currently gathered together under the single name of international private law. In the modern world, it is considered normal when a state allows foreign law to be in force on its territory by securing special conflict codes, while each state acts based on principles of mutuality and international courtesy and hopes for the same loyalty from other states and their legal systems. Currently, such behavior can be considered one of generally recognized principles of international contact and international law as such.

However, the collision method is not convenient when it comes to practice. It causes a lot of problems, primarily for the law enforcer, which has been the focus of Russian and foreign scientists multiple times already. A particular example of these problems is multivariance in resolution for a conflict problem because there is no restricted list of conflict connecting factors recognized and applied within all legal orders without exceptions. This issue is complicated by all the 'traditional' problems of collision law such as renvoi, mobile conflicts, the qualification issue and many others. The result is legal uncertainty bordering on legal confusion of participants in legal relations that cannot anticipate either the final decision of the law enforcer on their dispute, or even the legal system the codes of which will be applied to solve legal issues in their regard, to determine their status, their rights and obligations.

At the same time, it should be noted that active development of a trans-border stream of commerce, establishment of a system of complicated and diverse private-law connections between individuals of diffe-

rent state affiliations evokes the need for the comprehensive legal groundwork that allows implementing the rights of parties to private law relations to the fullest extent possible without violating the basic principles of private law at the same time.

The solution to this problem seems to be within the framework of the process for private law unification on various levels and, first of all, on the universal level. However, there has already appeared a conventional understanding of international unification as the process in the framework of which '…conflicting codes of two or more national legal orders applied to the same trans-border private law relation are replaced by a single code' (Krutij, 2012: 7). The main way to create such codes is development of international treaties that include detailed rules for control over a specific group of social relations and introduction of their provisions into specific legal systems by virtual replacement of national codes with new codes of a universal nature. Meanwhile, law enforcement discovers serious problems with application of such a unification method. Modern lawyers view the system of legal acts and codes as a pyramid on top of which international rules are located, so that in the course of implementation and application of legal codes, preference is given to the provisions of international treaties. However, it should be noted that many treaties that include private law codes are entered into for political reasons and it is not often that they provide for an opportunity to implement the relevant codes in Russian legal reality. Moreover, some provisions of individual international treaties that are currently still in force in Russia allow behavior on the territory of our country that contradicts the principles of private law. In this regard, it appears necessary to recall the existence of the public order category that suggests giving priority to the groundwork for the Russian legal order, including 'aside from moral foundations, core religious postulates, major economic and cultural traditions that have established the Russian civil society, the fundamental principles of Russian law as well' in terms of the approach worked out in practice (see, e.g., Order of the Federal Antimonopoly Service of the Northwestern District of March 6, 2012 in case No. A56-49603/2011, Order of the Federal Antimonopoly Service of the Northwestern District of March 18, 2010, in case No. A56-82470/2009, etc.). At the same time, Article 46 of the Convention on the Law of International Treaties provides for each state to have the right to renounce application of rules (implementation) of an international treaty in a situation when its implementation directly or indirectly leads to violation of particularly important codes (principles) of national law of the relevant state.

In this context, it becomes practically impossible to preserve the independence of the legal system and to protect the national interests of the state. Despite the maximum rapprochement of legal systems of individual countries, nevertheless, nowadays establishment of a single global economic space '…seems impossible due to significant differences in the legal systems of states' (Perevalov, 2014: 10).

In this regard, it should be noted that it is not possible to just implement foreign law in the national legal system. Unfortunately, nowadays the attempts to adopt some 'imported' legal codes have become very popular among an enormous number of states. And in the context of the ongoing process of modernization and improvement in Russian private law, the question of whether it is possible, necessary and acceptable to adopt categories, ideas and principles of foreign law arises again and again. Traditionally, it is thought that borrowing accomplishments from another legal order is a way to harmonize legal systems. It also should be noted that such a lawmaking policy is nothing new for the Russian system of private law. Starting in the 1990s and over the course of establishment of civil legislation in the Russian Federation, legislators actively studied and applied foreign experience. As V. F. Yakovlev noted, Russian civil legislation does not only follow the traditions of national private law, but also '…bears the stamp of the legacy from the French Civil Code, the German Civil Code, and the modern Civil Code of the Netherlands. Many of its provisions have been shaped talking the economic law of unified Europe into account' (Yakovlev, 2012: 832). That said, it is thought that within the private law modernization process, a critical issue is to define 'representative' models of foreign civil law for Russia correctly. 'Blind' imitation of the categories that are not typical for Russian law seems unacceptable, since these results in neglection of legal traditions and already established specificities of the national legal system development. Any application of foreign legal experience needs to be justified and by no means should it set an example of simple borrowing; to ensure the effect of true legal control a relevant legal category needs to be assimilated, i.e., it should be successfully internalized by the Russian legal system, adjusted to the specificities of Russian private law and the needs of the Russian civil cycle. This very approach is considered to be chosen as one of basic rules for modernization of private law in Russia. It should be remembered that legal control over relations reflects the people's mindset, and

it would hardly be possible to introduce something by force, particularly when this is about the rules applied by these people not just regularly, but on an everyday basis.

Today's foreign-policy developments impact on the economic situation on a global scale. As soon as political decisions are made, foreign economic policies of states change, too. Political decisions with an economic impact reflect not only upon the nationwide interests; they affect common individuals who function exclusively within the framework of private law codes. Sanctions imposed by states have resulted in a need to adjust smooth-running trade relations. Moreover, private law contracts have been terminated at various stages, including long-term ones.

Unfortunately, many individuals with authority, representing states of great historical and global significance have turned out to be unable to differentiate private and public interests in the field of politics. Moreover, many political decisions have proved to be made against the rules and laws of the civil cycle and norms of civilistics. Ultimately, this leads to civil cycle deformation, distortion of its legal groundwork, ignoring of key principles and categories of law that have been established, kept and respected over the centuries. Principles of unquestionable respect for private-property rights, freedom of contract, responsibility for failure to perform obligations, inadmissibility of unilateral abandonment of the obligations taken based on a contract and many other principles developed and confirmed over the entire history of private law development have turned out to be substituted with short-term political interests that ultimately result in violation of the interests of all trans-border civil cycle participants as well as parties to public legal relations.

In the current historical period, we are witnessing the negative reverse side of the reciprocity rule, when Russia has to defend itself and makes decisions leading to a so-called 'sanctions war' for this purpose. As a result, public law 'interferes' in private relations control, virtually altering its nature and changing the nature of private law. Within the framework of the disposition principle, which is familiar to all participants in private law relations, an imperative prohibition arises that does not allow full enjoyment of the freedoms traditionally provided to civil cycle participants.

It appears that processes of private law codes unification, establishment of international private law must be primarily aimed at overcoming such a political influence. However, it is essential to understand that the process of universal unification has to include not only and not so much as establishment of uniform legal codes, but, first of all, development of uniform (universal) mechanisms for their implementation. Creation of universal unified private law must be based on establishment (and revival) of universal private law principles that in their entirety can (and must) surpass national legal systems and turn into some non-national law free from political relations and decisions of states. This is the only way to lay the foundation for real general private law. Single international treaties cannot ensure such an effect, particularly because, if past experience is anything to go by, even participation in some international community or treaty is not a guarantee that all the participants will deliver on commitments already made or that all the controversial situations will be resolved according to the established rules.

And it should be noted that there are principles like this; they have been the 'pillars' of civilistics for many centuries. Private law is imbued with social and cultural categories such as justice, integrity, reciprocity... the list can be extended almost indefinitely. Meanwhile, these categories, as A. G. Didenko has rightfully mentioned, do not have a specific creator, they are created by society (Didenko, 2019: 38), and, therefore, they are manifestations of the society's culture in every specific historical period of its development.

Thus, for example, nowadays there are is a lot of talk about justice (Bogdanov, 2014; Gadzhiev, 2017; Gongalo & Novikova, 2018) regarding all areas of human society's existence, and the area of legal control is no exception to the general rule. The issue of justice and its practical implementation has been raised multiple times by the President of the Russian Federation in his speeches, including his Addresses to the Federal Assembly. Thus, as early as 2016, he noted that justice is a comprehensive phenomenon that encompasses such features as responsibility, moral rectitude, concern for public interests, willingness to listen to other people and to respect their opinions, and it provides for and ensures broad dual opportunities for self-expression to bring business, creative and civic initiatives into life. Justice manifests itself in the field of private law both as the groundwork for general principles of civil legislation and as part of the implementation of individual legal control directions. Justice of private law is a conceptual basis of the principles of equality and equivalence. Thus, justice is a kind of '...a criterion that means availability of equal opportunities for participation in the civil cycle' (Petrov, 2016). In fact, justice is both the

principle and the goal of legal control over the civil cycle aimed at fair and reasonable satisfaction of the interests and needs of civil cycle participants (Vinichenko, 2014).

Integrity (Hesselink, 2020; Shuhareva, 2020), reasonableness (Konovalov, 2019; Vanin & Tihonov, 2019) and many other explicitly moral categories that have been implied in any area of private law relations during the entire history of private law development are becoming no less significant in the field of private law control. However, it seems important to note that in each and every historical period, private law control reflects the content of these categories the way they exist in society, showing the historical specificities of their development every time. Therefore, private law serves as a critical guide and at the same time as a guard for moral and general legal categories that objectively exist in society permeating its codes with the content of these categories.

It appears that the activities of international organizations in charge of developing non-political documents and introducing them into legal practices are of particular importance for unification and generalization of rules and principles. An example of this is the Principles of International Commercial Contracts (UNIDROIT). The importance of this document is that while lacking a binding legal effect for states and private law relations participants it nevertheless contains detailed instructions regarding regulation of contractual relations to serve as a special set of rules and customs the parties of such relations have become accustomed to turn during the long history of foreign economic turnover and economic interaction on the supranational level. Because of this peculiar feature, UNIDROIT Principles are a vivid example of the case when participants in private law relations have created legal codes themselves and agreed to comply with them, which, in turn, means that introduction of these rules at the legislative level will be accepted without any opposition by those subjects these codes exist for. In this regard, it appears that it is quite reasonable to make UNIDROIT Principles mandatory by securing this feature of theirs in the Russian legislation, so that Russian courts could apply provisions of this document at least when the need arises to fill the gaps of legal control over international private law relations. Obviously, if such a decision is made by the majority of states, then national legislations of various countries will make another step toward global harmonization of private law.

It is these rules and principles providing the basis for global categories of the world's civilistics that make the language spoken by all specialists (scientists and practitioners) in the field of global private law universal. It is civilistics that must become the flagship in terms of finding a balance between public and private interests in legal control. The state must encourage actions by civil cycle participants, create favorable conditions and prerequisites, protect the rights of civil cycle participants who act in good faith. Hence, modern civilistics must be aimed at working out issues connected with a balance between private and public interests through legal control of these relations via codes of private and public law, and currently, the results of this research need some concrete definition and practical focus

Conclusion

Private law is a unique legal phenomenon, an entire legal world, if you like. It should be considered a phenomenon that encompasses legal ideology, legal consciousness, law enforcement, legal traditions, and the critical cultural heritage of humanity.

Currently, it seems reasonable to state that the work aimed at reinforcing the role and significance of private law in general processes of national and international law and order establishment needs to be continued and the fair principles of private law should be strengthened.

Civilistics can and must manifest itself, use its mechanisms to provide protection for Russia's national interests. For these purposes, there is a need to develop an effective and justified private law policy concept that takes into account the doctrine, historically established traditions, law enforcement practice, the experience of economic activity aimed at eliminating the imperfect and deficient juridical base, contradictions in legal and law enforcement acts based on the absolutely recognized universal principles of private law.

It is the private law principles that need to come to the fore – freedom of contract and integrity, good faith and reasonableness, those based on age-old traditions and codes, supported by the rules of international law and replicated in legislation of the overwhelming majority of states. They must become the component part of and the basis for public and individual legal consciousness. In this case, private law can serve

as a guarantee for social development and establishment of a high legal culture within the framework of which legal consciousness of society will be based on principles of integrity and reasonableness that are conventional for private law.

However, the identity of Russian private law should be taken into account as well as the need to preserve it. Any implementation of the codes of foreign law must be as well-balanced as possible and allowed for introduction into the Russian legal reality only if it is in keeping with the spirit of Russian private law. This is the only scenario that allows speaking about preserving Russian private law as a unique cultural phenomenon, the existence of which invariably enriches the culture of the entire nation and encourages its development while preserving its identity and maintaining the international properties of civilistics that can overcome the borders of space and time.

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