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THEORETICAL AND APPLIED PROBLEMS OF INTERACTION BETWEEN THE INTERNATIONAL AND NATIONAL LEGAL SYSTEMS

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The subject. The interaction of modern national legal systems and the international legal system is still the most controversial legal phenomenon. An exclusively national approach to solving issues of the general theory of international law could not and cannot justify expectations and close the need for legal comprehension.

The situation is aggravated by the fact that, at the level of universal international law, the solution of issues on the agenda with the help of positive methods of legal regulation, and, consequently, the implementation of the norms of existing international treaties today are criticized, tested and often completely violated. The implementation of the norms of existing international treaties is increasingly faced with attempts to refute their postulates using the "customs" under which those "rules" are veiled. In such conditions, national legal systems may experience an increased "feeling of jealousy" to their sovereignty and try to "close" as much as possible using the principle of non-interference in the internal affairs of the state.

Purpose of the study. In such conditions, it is most important to choose the right vector in improving international law, and not order, law based on normative principles. It is important to correctly "choose the key" to harmonizing the will of sovereign states of our time. The article is devoted to the search for a more correct way of developing international law through its interaction, and not counteraction with the national one.

Methodology. The research was carried out using a formal legal interpretation of international legal acts, as well as a comparative analysis of Russian and foreign legal literature. Structural and systemic methods are also the backbone of the study. The conclusions of the work are based on dialectical unity and the struggle of opposites, as well as on interacting deduction and induction in relation to legal systems.

The main results. The growing trend towards fragmentation of international law leads to a reduction in the base of sources in the universal sphere of international law.

The intensification of regionalization and the creation of regional unions of sovereign states is becoming a source of polar processes: on the one hand, supranational control over the observance of international law by states within their legal system increases, on the other hand, natural situations of non-execution of decisions of international judicial bodies arise. Such situations, without a proper assessment of the reasons for the issuance of the inter- national acts of law enforcement themselves, can lead to unfounded criticism.

There is an impressive amount of work in the field of correlation between international and national law, as well as in the field of enforcement of decisions of international judicial bodies. Despite this, in the field of practical implementation of the norms of international law, there remains a lack of doctrinal developments. Such a situation will inevitably lead to at- tempts to create a semblance of a norm, an escalation of confrontation, and an inability to reach agreement on issues on the agenda.

The situation at the level of the universal international legal system is aggravating, there- fore, the verification of the limits of competence of regional education authorities, in particular of supranational judicial control bodies, becomes even more important.

Conclusions. The author comes to the conclusion that, on the one hand, in the sphere of universal international law, there is a reduction in the base of sources of international law. On the other hand, in the field of regional international integration, on the contrary, the number of sources of international legal regulation is increasing, and the process of their implementation is intensifying.

Universal international law based on the principles of the UN Charter is the most qualitative regulator of the field of international public relations. However, at the present stage of de- velopment of the international community, regional integration may well come to its aid: through regional interaction, the consolidation of the wills of sovereign states can and should be achieved a legal constructive dialogue on key issues of already universal international law.

Using the approaches of national legal regulation exclusively and unilaterally, it is impossible to productively approach issues of international law: neither in the field of creating international organizations of various types, nor in matters of fulfilling obligations under international law.

According to the results of the study, it was concluded that only non-confrontational interaction of specialists in the field of international and national (primarily constitutional) law can provide the construction of the most effective model of interaction of these legal systems.

This requires a transformation of the basic approaches to the issues of interaction between international and national law. The basic unity of the general theory of law and the specific features of legal systems should be the starting points for doctrinal research of existing legal structures and the practice of their implementation.

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1. Introduction

The problems inherent in the general theory of law, often expressed in contradictory doctrinal views on the interaction of legal phenomena, inevitably become a catalyst for scientific thought and cognition. However, the more difficult the search for truth becomes in attempts to give answers to problematic questions, the more specific the relevant questions are.

For example, the interaction of national legal systems of our time and the international legal system is still the most controversial legal phenomenon [see about this: 1, p. 19-31; 2, p. 4-20; 3, p. 37-39; 4, p. 1-31; 5, p. 474-478]. And the reason for this, in our opinion, first of all, is the lag between theory and practice. Another reason is the costs of a purely national approach to this issue, as well as to many other issues of the theory of international law.

And if the reason named by the first with a degree of conditionality can be qualified as specifically inherent in modern social relations and not yet surmountable, then the second one requires special attention. The search for ways to overcome this problem can become a catalyst for positive trends in theoretical knowledge, refraction of theory in practice.

In addition, at the level of universal international law, the solution of issues on the agenda with the help of positive methods of legal regulation, and, consequently, the implementation of the norms of existing international treaties, are currently being criticized, tested and often completely trampled upon.

The implementation of the norms of existing international treaties is increasingly faced with attempts to refute their postulates using «customs», under which the very «rules» (rules) are veiled [see about this: 6; 7, p. 35-60].

In such circumstances, national legal systems may experience an increased "feeling of jealousy" for their sovereignty and try to "close down" as much as possible using the principle of non-interference in the internal affairs of the state.

2. Theoretical aspects

The fragmentary nature acquired by international law, which manifests itself in the implementation of the norms of international law from case to case, causes reasonable and not isolated concern.

Against this background, in the field of universal international law, there is a reduction in the base of sources of international law. The tendency to use «customs», which, for obvious reasons, are actually replaced by «rules», displaces normative acts of international law from the field of legal regulation.

Some authors note that «international law lacks normativity due to the lack of universal coercive force in the international dimension, so States have no incentive to comply with its rules» [8, p. 58, cit. by: 7, p. 55]. Refuting the thesis that international law does not exist due to the lack of universal coercive force at the international level, the team of authors led by Professors A.N. Vylegzhanin,
B.I. Nefedov, E.R. Voronin states the following facts: «sources of international law are generally recognized», «there are certain generally accepted rules governing the process of international rulemaking», and «the percentage of executed decisions of international courts is invariably higher than the indicator of their complete disregard» [8, p. 56].

Of course, no matter how «safe» the rules-based order regime is, in relation to international law as a legal system, it is obvious that without a proper level of normativity, it becomes more difficult to ensure world order.

At the same time, professor T.N. Neshatayeva qualifies the fragmentation of international law as a problem of «different interpretation of the norms of international law», which «occurs due to different interpretations of uniform international norms by various international courts, and, as a consequence, deepening discrepancies in the understanding of these norms in national courts aware of different judicial decisions» [9, p. 273]. In this context, it is assumed that one of the new and promising «methods of overcoming fragmentation should be considered the creation of regional integration unions and new international courts operating in them» [ibid, p. 284].

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At the same time, let us turn to another trend that rightfully occupies an honorable place among those in modern international law - regionalization.

Hugo Grotius wrote that «war can be avoided by conference» [10, p. 538, 539]. At the same time, the practice of holding international conferences «originated in medieval Europe as a qualified way of peaceful settlement of disputes and as the first step towards the institutional organization of international communication, i.e. the creation of international organizations» [11, p. 48].

Thus, the path from overcoming differences that can lead to war (the use of force) by convening conferences and negotiations to the creation of international organizations at such conferences is a natural course of international legal events.

As noted by professor D. Brabande, «one of the main reasons why States need to create international organizations is the growing interdependence of States and the need to solve «common problems» [12, p. 3]. However, cooperation in solving common problems alone does not become the sole purpose of creating international organizations. In the process of regionalization of international cooperation, the goal of integration of the member States of an international organization comes to the fore [see about this: 12, p. 3]. Taking into account such a change of priorities, which led to the expansion of the functionality of regional international organizations, the concept of integration associations was formed.

Regional integration organizations have also received the name supranational, the reasons for which were the partial transfer of their sovereign powers to the level of an international organization by the participating States. Such a transfer is due to the fact that acts of a regional organization can directly create rights and obligations for subjects of domestic legal systems by their force.

It is clear that «the degree of integration to which an international organization aspires - that is, the degree to which the organization contains supranational elements - will affect the degree of transfer of powers by the States of the organization» [12, p. 2]. However, the scientific literature sometimes claims that «the emergence of supranational organizations led to the decline of a sovereign nation-state» [13, p. 1-18; 14, p. 681; cit. by: 12, p. 2].

It seems that from the point of view of international law, the situation looks like this.

Any constituent act of an international organization is an international treaty by its legal nature. In this case, it does not matter whether this organization is regional or regional with elements of integration education. Moreover, «at the heart of the entire system of international legal regulation of relations under the auspices of interstate associations is an international treaty, on the elaboration of which and its further implementation directly depends on the effectiveness of the activities of states» [15, p. 150].

The principle of pacta sunt servanda obliges the State to ensure the fulfillment of the international obligation enshrined in the relevant treaty. Article 26 of the 1969 Vienna Convention on the Law of Treaties "Pacta sunt servanda" states: «Every existing treaty is binding on its parties and must be faithfully implemented by them».[1]

Conscientiousness in fulfilling obligations from international treaties «is central to the entire concept of pacta sunt servanda» [16, p. 41] and assumes: the bona fide use of the rights provided for in the contract; the bona fide interpretation of the contract; the exclusion of unjustified refusal of the contract [17, p. 101-103].

Article 27 of the 1969 Vienna Convention establishes that a party cannot invoke the provisions of its domestic law as justification for its failure to comply with a treaty. This rule applies without prejudice to Article 46, which enshrines the provisions of domestic law concerning the competence to conclude contracts.

The Declaration on the Principles of International Law of 1970 stipulates that every State is obliged to faithfully fulfill the obligations assumed by it in accordance with the UN Charter and arising from universally recognized principles and norms of international law.

[1] Vienna Convention on the Law of Treaties 1969 // URL: http://www.un.org/ru/documents/decl_conv/conventions/law_treaties.shtml (accessed 15.05.2021).

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The Final Act of the 1975 Conference on Security and Cooperation in Europe with regard to this principle provides that the participating States will faithfully fulfill their obligations arising from the generally recognized principles and norms of international law, from the treaties to which they are parties to international law; in exercising their sovereign rights, including the right to establish their laws and administrative rules, they will comply with their legal obligations under international law.

Thus, in the interpretation of this principle, an installation has appeared that only the norms of treaties that comply with international law are subject to fair execution.

The Russian state, like any other state, voluntarily enters into international relations and participates in them, voluntarily assumes specific obligations, voluntarily expresses its will when forming norms of international treaties, and also voluntarily assumes direct and immutable obligations to implement agreements reached at the international level.

At the same time, acting as a sovereign participant in international legal relations, the Russian state agrees with the following positions:

- binding norms of international treaties will contain not only his will, but also the will of other participating states,

- the introduction into the national legal system of international contractual norms, previously agreed with its participation or to the binding nature of which it has agreed, cannot and should not be qualified as interference in its internal affairs.

Moreover, it is the political system of the State defined in the Constitution that establishes the system of State authorities authorized to exercise legislative, executive and judicial functions. An integral part of the sovereignty of the State and independence in matters of internal competence is the powers belonging to such bodies and officials:

- to build the policy of the state both within the country and in the international arena,

- to determine the vectors of interaction within the world community with other subjects of international law,

- enter into legal relations on the creation of norms of international law.

Consequently, the conclusion of an international treaty is not a limitation of sovereignty and independence in internal competence, but one of the forms of their manifestation and expression.

Thus, there is reason to believe that the norms of international treaties should prevail over any norms of national legislation, regardless of the level of conclusion of the treaty, as well as regardless of the level of national consolidation of the norm contradicting it.

At the same time, the concept of the preferential application of the norms of such international treaties over any normative acts of national law cannot affect the existence of other principles of international law, such as, for example, the principles of sovereign equality and the inadmissibility of interference in the internal affairs of the State.

The opposite would not allow us to draw fundamental conclusions regarding the need for a State to faithfully fulfill its international obligations.

Moreover, the principles of respect for State sovereignty and non-interference in the internal affairs of the State can be the basis of such a concept. As noted by O.I. Tiunov, «the agreement as a way of creating norms of international law allows «such norms» to function within the framework of sovereignty and equality of states» [18, p. 3].

As noted by the Permanent Court of International Justice in the decision on the Wimbledon case, «the right to enter into international agreements is an attribute of State sovereignty».[2] That is, the right to join international unions by concluding international treaties is an attribute of state sovereignty.

What follows leads us to the essence of practical aspects in the field of interaction between international and national legal systems.

We also note the aspects inherent in regionalization that affect the final conclusion. The

[2] Permanent Court of International Justice, Case of the S.S. «Wimbledon», Judgment, 17 August 1923, 1923 PCIJ Rep, Ser. A., No. 1, 25 // URL: https://www.icj-cij.org/public/files/permanent-court-of-international-justice/serie_A/A_01/03_Wimbledon_Arret_08_1923.pdf (accessed 15.05.2021).

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rather intensive process of creating and detailing the positive law of international regional integration entities continues, and normativity is increasing. And in this area, unlike universal international law, actors do not ask questions about the expediency of regulatory regulation, the legality of existing regulations and others that lead to the formation of a «rules-based order». Such forms of international treaties as decisions of an international organization – its organs - are created and operate. The implementation of the norms of such international treaties occurs naturally and is ensured, inter alia, through the possibility of protecting the interests of the relevant integration entity in the international court of justice.

Nevertheless, regional organizations remain international in their essence, and regional law must comply with international law. At the same time, the latter cannot but have a negative impact on the functioning of regional integration systems.

One way or another, problematic aspects of the functioning of international law cause selectivity in the implementation of international legal norms. The interpretation of its norms is often carried out even by competent subjects for the sake of some interest, and not on the basis of the principle of justice and the rule of law. This increases the volume of appeals to the categories of «bias» and «partiality». This, in turn, undermines the credibility of international law and the unshakable institutions of international law (international courts, the UN).

If within the framework of a regional or supranational organization there are generally binding normative acts, the provisions of which could be directly applied on the territory of the member States, then the court of such an entity becomes a «mechanism ensuring the effectiveness of such norms» [19, p. 11]. It is a special body of the association that monitors compliance by States with relevant regulatory requirements. The acts of the court are given legal force by the constituent international treaties, the quality of which we noted earlier.

3. Practical aspects

In recent years, the discussion of the issues of Russia's execution of decisions of international judicial bodies has become controversial [see about this: 20, p. 78-97; 21, p. 50-59; 22, p. 45-67], which includes the European Court of Human Rights. There is a very positive perception by many of the position of the President, the Federal Assembly and the Constitutional Court of the Russian Federation on a number of socially resonant decisions of the ECHR, as well as negative reviews of Russia's actions in relation to its individual decisions, the behavior of our state is even referred to by some as «aggressive» in relation to the «refusal to execute the decision in the case of Yukos v. Russia» [13, p. 11; 24, p. 8-10]. The Russian Federation is not the only state that has a practice of non-enforcement of ECHR decisions. However, collectivity in this case is not a sign of legitimacy. Such phenomena require attention, including from the point of view of the aforementioned aspects of the interaction of national and international legal systems.

December 10 is celebrated annually in the countries of the world as Human Rights Day, since the Universal Declaration of Human Rights was adopted on 10.12.1948[3] - the first of the triad of international documents that make up the International Bill of Rights, which establishes universal standards of individual rights and freedoms. The second and third documents of this triad were the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights adopted in 1966.[4] Almost all international human rights treaties adopted since 1948 are based on the principles laid down in the Universal Declaration of Human Rights. For example, the preamble to the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms begins and ends with an indication of «taking into account» and «collective exercise» of certain individual rights

[3] Universal Declaration of Human Rights of 1948 // URL: https://www.un.org/ru/documents/decl_conv/declarations/declhr.shtml (accessed 15.05.2021).

[4] The 1966 International Covenant on Civil and Political Rights and the 1966 International Covenant on Economic, Social and Cultural Rights // URL: https://www.un.org/ru/documents/decl_conv/conventions/pactecon.shtml and https://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml (accessed 15.05.2021).

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set forth in the Universal Declaration.

Guided by the fundamental principle of international law, according to which each State independently determines the procedure and ways of implementing international obligations within its legal system, the Russian Federation drafted the Constitution of 1993[5] in such a way that she accepted the standards of individual rights and freedoms fixed in international acts.

S.D. Knyazev, with regard to criminal proceedings, but correctly with respect to all other areas of public life regulated by law, argues that the coordination of constitutional and international principles «is not fraught with serious difficulties, since both constitutional norms and provisions of international legal acts are based, in essence, on the same basic principles» [25, p. 91].

For a number of objective reasons, in the Constitution of the Russian Federation of 1993, certain rights granted have a larger scope than required by the norms of the Covenants, but there is also a non-inclusion of certain rights in the text of the Constitution [see about this: 26, p. 29-31].

Meanwhile, the divergence of legal regulation by the norms of national and international law can potentially become the basis for supranational litigation. And the result of such a review may be the conclusions of an international judicial body opposed to the Basic Law of our state. Moreover, such a potential, and in some cases quite real possibility may arise not only in relation to the Basic Law of our state and not only in relation to the activities of the ECHR [27, p. 129-132].

As rightly noted by A.S. Ispolinov, «a remarkable feature of recent years has been the active involvement of the supreme and constitutional national courts in resolving the issue of the execution of decisions of international judicial bodies. The highest national courts, faced with the ambitions of international courts in the interpretation and application of ... [international treaties], began to establish a kind of restrictive lines that cannot «cross» ... [international courts]. For these purposes, the higher courts have either begun to rely on the constitutional provisions on the status of international treaties in national legal systems, or independently resolve this issue in their decisions» [28, p. 49].

As follows from the practice of the Russian judicial body of constitutional control, the results of such supranational control are increasingly becoming the object of attention. Serious interest in the scientific literature [see about this: 29, p. 138–146] was aroused by the expansion of the instruments of constitutional judicial proceedings by granting the Constitutional Court of the Russian Federation the right, at the request of the relevant state bodies, to recognize decisions of international courts as unenforceable.[6]

Here we observe a legislative settlement of the Court's already de facto legal position on this issue. Thus, on July 14, 2015, the Constitutional Court adopted Resolution No. 21-P, in which the Court indicated that the federal legislator had the authority to provide a special legal mechanism that did not contradict the legal nature of the Constitutional Court and its purpose as the supreme judicial body of constitutional control to allow them the possibility or impossibility, from the point of view of the principles of supremacy and supreme legal force of the Constitution of the Russian Federation, to execute the decision of the European Court of Human Rights issued on the complaint against Russia, including in terms of general measures. At the same time, we are talking about «the ruling of the European Court of Human Rights, since it is based on the Convention for the Protection of Human Rights and Fundamental Freedoms in an interpretation contrary to the Constitution of the Russian Federation».[7]

[5] The Constitution of the Russian Federation of 1993 // SPS "GARANT" (accessed 15.05.2021).

[6] Federal Constitutional Law No. 7-FKZ of December 14, 2015 «On Amendments to the Federal Constitutional Law «On the Constitutional Court of the Russian Federation» // SPS «Consultant-Plus» (accessed 10.12.2019).

[7] Resolution of the Constitutional Court of the Russian Federation No. 21-P of 14.07.2015 on the case of checking the constitutionality of the provisions of Article 1 of the Federal Law "On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols Thereto", paragraphs 1 and 2 of Article 32 of the Federal Law "On International Treaties of the Russian Federation", Parts One and Four of Article 11, paragraph 4 of Part Four of Article 392 of the Civil Procedure Code of the Russian Federation, Parts 1 and 4 of Article 13, paragraph 4 of Part 3 of Article 311 of the

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Attention is drawn not only to the criticism of this bill in the press, but also to critical aspects (albeit of a legal and technical nature) in the response to it by the Legal Department of the State Duma.[8]

Speaking about the essence of the right granted to the Constitutional Court of the Russian Federation, we will highlight significant provisions.

The scope of application of the norms of this draft law is clearly limited by the limits that follow from its text itself and are reflected in the resolution of the Constitutional Court of the Russian Federation of 14.07.2015.

Firstly, it should be emphasized that the "decision of the interstate body for the protection of human rights and freedoms" is not a rule of law-making, but law enforcement. The conclusion stated in it about the inconsistency of certain norms of national law with the norms of international law is an act of interpretation in the process of applying these norms, and not a normative legal act agreed upon in a coordinated manner by its subjects of international law.

Secondly, the law enforcement act should be issued specifically in relation to the Russian Federation.

Thirdly, the relevant decision should state the entry into contradiction with the provisions of international legal acts of the Constitution, and not an ordinary normative legal act of Russia.

From the standpoint of the international legal system, it is necessary to take into account the need for the norms of international treaties to prevail over any norms of national law, regardless of the level of conclusion of the contract, as well as the level of national consolidation of the norm that contradicts them. Non-compliance with international treaty obligations cannot and should not be justified by references to State sovereignty and the inadmissibility of interference in the internal affairs of the State.

In this regard, we note that according to article 1 of the Law, the new Article 1041 contains a provision stating that the conclusion about the «impossibility of execution of the rendered ... decision" can be made by the body submitting the application to the Court "due to the fact that in the part obliging the Russian Federation to take measures for its execution, this decision is based on the provisions of an international treaty of the Russian Federation in interpretation, presumably leading to their discrepancy with the Constitution of the Russian Federation». According to the meaning, it turns out that the «interpretation» of the international treaty of the Russian Federation given in the decision of the International Court of Justice presumably leads to a «discrepancy» of this very treaty with the Constitution of the Russian Federation. Thus, it is emphasized that the constitutional control body is endowed not with the function of recognizing an international treaty of the Russian Federation (duly introduced into the national legal system) as contradicting the Basic Law, but with the function of recognizing contradictions between the Basic Law and the interpretation of the treaty by the international Court of Justice in relation to a specific situation.

Thus, the federal legislator supports the position of the Constitutional Court on the supremacy of the Constitution of the Russian Federation not only in the system of national law, but also in its legal system.

Russia, represented by its competent legislative bodies, by adopting this Law makes it clear that the interpretation and implementation of the Constitution is its sovereign right and exclusively an internal matter.

In addition, it should be remembered that «any norm is implemented by the State within its capabilities» and «international law does not require the impossible» is a general legal presumption that «serves as an element of the principle of conscientious fulfillment of international

Arbitration Procedural Code of the Russian Federation, parts 1 and 4 of Article 15, paragraph 4 of Part 1 of Article 350 of the Code of Administrative Procedure of the Russian Federation and paragraph 2 of part four of Article 413 of the Criminal Procedure Code of the Russian Federation in connection with the request of a group of deputies of the State Duma. // URL: http://doc.ksrf.ru/decision/KSRFDecision201896.pdf (accessed 05.12.2019).

[8] The review can be found on the official website of the State Duma of the Russian Federation. URL: http://asozd2.duma.gov.ru/main.nsf/%28SpravkaNew%29?openAgent&RN=931766-6&02 (accessed 16.12.2019).

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obligations» [30, p. 202]. The Constitution of the Russian Federation as the Basic Law of the state is a normative volume in which the quintessence of state sovereignty is concentrated. In interpreting the Constitution, the Constitutional Court proceeds, first of all, from the fact that the scope of the rights and obligations of all subjects of the national legal system enshrined in it corresponds and is consistent with the international legal obligations of the State that existed on the date of the referendum. In turn, all subsequent obligations under international law assumed by the Russian Federation are subject to mandatory assessment for their compliance primarily with the Constitution of the Russian Federation.

It seems that it is the presence and manifestation of State sovereignty that determines the actions of the Russian Federation upon joining the Council of Europe and, above all, the adoption of Federal Law No. 54-FZ dated 30.03.1998 «On ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols».[9] Article 1 of the Law states that «the Russian Federation, in accordance with Article 46 of this Convention, recognized ipso facto and without a special agreement the jurisdiction of the European Court of Human Rights binding on the interpretation and application of the Convention and its Protocols in cases of alleged violation by the Russian Federation of the provisions of these treaty acts, when the alleged violation took place after their entry into force in respect of the Russian Federation».

All the above-mentioned acts do not contain any reservations regarding the withdrawal of the Basic Law of the State from the scope of the norms of national law, which can potentially become the object of research for compliance with the provisions of the Convention on the Protection of Human Rights and Fundamental Freedoms.

In turn, the adopted Law and the earlier decision of the Constitutional Court indicate that the legislative and judicial authorities of the Russian Federation are united in the interpretation of the part of the regulatory legal system of Russia that can be criticized by international justice bodies for compliance with its norms of international law. The basic law of the state is excluded from it.

Such a potential opportunity to refuse to comply with the decision of the International Court of Justice is, according to A.S. Ispolinov, a response of the state caused by the high creativity of a number of international courts in the broad interpretation of treaties, the alignment of the courts of their own priorities [see about this: 28, p. 43-56]. Russia is not an innovator in such a reaction to the decisions, in particular, of the European Court of Human Rights. However, an adequate legal form of the possibility of a corresponding refusal should not be fairly simplified, should be of the nature of an extreme, exceptional measure, if it is impossible to use other means of international law to bring international and national legal systems closer together. Unfortunately, the international community is still at the stage of developing this legal form. The Russian attempt met with serious resistance from the Venice Commission.[10]

Meanwhile, the mechanism has already been tested twice by the Constitutional Court of the Russian Federation: Resolution No. 12-P dated 19.04.2016 «In the case of resolving the issue of the possibility of executing, in accordance with the Constitution of the Russian Federation, the ruling of the European Court of Human Rights of July 4, 2013 in Anchugov and Gladkov v. Russia in connection with the request of the Ministry of Justice of the Russian Federation»; Resolution No. 1-P dated 19.01.2017 «In the Case of Resolving the Issue of the Possibility of Execution in accordance with the Constitution of the Russian Federation of the ruling of the European Court of Human Rights dated July 31, 2014 in the case of OAO YUKOS Oil Company v. Russia in connection with the request of the Ministry of Justice of the Russian Federation».[11] At

[9] Federal Law No. 54-FZ of 30.03.1998 «On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols» // SPS «GARANT» (accessed 01.12.2019).

[10] Conclusion of the European Commission for Democracy through Law (Venice Commission) No. 832/2015 of June 13, 2016 // SPS «Consultant-Plus» (accessed 10.12.2019).

[11] Resolution of the Constitutional Court of the Russian Federation dated 04/19/2016 No. 12-P "In the case of resolving the Issue of the Possibility of execution in accordance with the Constitution of the Russian Federation of the ruling of the European Court of Human

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the same time, the reasoning of the Court's position in recognizing the impossibility of executing the decision of the International Court of Justice somehow boils down to the fact that the latter are ultra vires decisions, that is, issued with a clear excess of authority, and therefore not subject to execution.

And in this case, one cannot but agree that «supranational structures are created on the basis of agreements of states, the latter should be provided with certain guarantees that establish the limits of the activities of supranational bodies and allow member states to control key aspects of their activities», it is unacceptable that «supranational bodies have the opportunity to independently expand their own competence» [19, p. 11].

The more the situation at the level of the universal international legal system worsens, the more the limits of competence of regional education bodies, especially supranational judicial control bodies, become more important.

4. Conclusions

An interesting trend can be stated. On the one hand, in the field of universal international law, there is a reduction in the base of sources of international law. On the other hand, in the field of regional international integration, on the contrary, the number of sources of international legal regulation is increasing, and the process of their implementation is intensifying.

The interaction of States at the regional level is carried out on the basis of voluntariness, mutual benefit, consensus (the willingness and the need to compromise) as well as on the basis of unity according to different criteria (common interests, cultural values, economic feasibility of combining different types of resources, such as human labor, nature, and the means of production, production capacity, etc.).

These criteria allow us to achieve the greatest regulatory effect of international norms regional supranational unions.

After all, one way or another, those issues that become urgent for the field of international relations (environmental safety, economic development, information security, etc.) are more likely to be transferred to the supranational level in integration associations. In the future, decisions on such issues (in cases where they go beyond the limits of integration education) can be made already at the level of the bodies of the integration association in cooperation with another - a state, an international organization or a similar integration association.

There will be no unconditional unity on all issues on the agenda, no one has ever canceled national identity and mental differences. But the foundation of effective legal regulation of international public relations is only the achievement of agreements on key issues of the «global agenda of today». And this is more promising now at the level of regional integrations.

With no doubt, universal international law, based on the principles of the UN Charter, is the most qualitative regulator in the field of international public relations. And regional integration may well come to his aid: through regional cooperation, the consolidation of the will of sovereign states, a constructive legal dialogue on key issues of universal international law can and should be achieved. This is not a panacea, but one of the possible options for returning to universalization.

At the same time, the practical aspects of the interaction of domestic and international legal systems, in particular on the example of our state, are based on the laws of dialectics. On the one hand, there is a voluntarily accepted obligation to comply with the obligations assumed (including through the execution of decisions of the supranational justice body), despite the fact that at the level of the Basic Law, «the awareness of the Russian people of themselves as part of the world

Rights of July 4, 2013 in the case "Anchugov and Gladkov v. Russia" in connection with the request of the Ministry of Justice of the Russian Federation"; Resolution of the Constitutional Court of the Russian Federation No. 1-P dated 19.01.2017 "In the case of resolving the issue of the possibility of execution in accordance with the Constitution of the Russian Federation of the decision of the European Court of Human Rights dated July 31, 2014 in the case of OAO YUKOS Oil Company v. Russia in connection with the request of the Ministry of Justice of the Russian Federation" // SPS Consultant-Plus (accessed 10.12.2019).

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community (preamble)» is fixed [25, p. 90]. On the other hand, objective limits still exist – they are outlined by the agreement of strict limits of competence of international justice bodies in international treaties on their creation.

Only non-confrontational interaction of specialists in the field of international and national (primarily constitutional) law can ensure the construction of the most effective model of interaction of these legal systems. The basis of such interaction is the sovereign equality of States and the unity of the goals of peaceful coexistence of the members of the world community. The basic unity of the general theory of law and the specific features of legal systems should be the starting points of doctrinal studies of existing legal structures and the practice of their implementation.

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