служби у справах дітей і суди, і тільки стосовно до дітей, обставини життя батьків чи інших родичів яких вдалося встановити.

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UDC 341.9(043.2)

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LEX VOLUNTATIS IN INTERNATIONAL PRIVATE LAW

International private law belongs to one of the most innovative branches of law, which is constantly developing and improving. Peculiarities of legal regulation of international legal relations make it necessary to use a set of certain legal principles that are fundamental in this process.

Lex voluntatis or autonomy of will is one of the basic institutions of international private law, the foundation of which lies in the development of such a principle of private law as the principle of discretion. Autonomy of the will in the traditional sense is one of the fundamental principles of international private law, according to which subjects, belonging to the legal systems of different countries, have the opportunity to choose the law that will regulate their mutual relations. In a more narrow and formalized understanding, the autonomy of the will is one of the parts of the so-called binding of conflict norms [1].

The essence of autonomy of will in the context of private international law is that the legal order allows individuals to choose the legal field that will regulate their private-international relations. In other words, autonomy of will is

the ability of subjects of private-international relations to choose the right to regulate their relations [2].

Currently, in the doctrine of private international law, there are several points of view on the nature of the autonomy of the will of the parties, according to which it is considered as: 1) an institution established by the relevant national legal system to resolve conflict of laws. At the same time, the will of the parties is considered as one of the conflict bindings, along with the traditional law of the location of the thing, the place of performance of the obligation, etc.; 2) the consequence of the freedom of contract, which is established and supported by the legislation of different countries, therefore, the autonomy of the will can be limited only to the sphere that is regulated by imperative, not dispositive norms of law; 3) not as a collision binding, but a peculiar way of regulating legal relations with a foreign element [3].

The autonomy of the will is not absolute in its essence and does not mean that the participants in the legal relationship have unlimited, absolute rights. On the contrary, this is a conditional concept, since the state reserves the right to independently establish by legislative acts cases in which the parties may be given the opportunity to choose the applicable law. This is explained primarily by the sovereignty of the state, thanks to which it can introduce mandatory norms in the field of conflict of laws. It is also worth paying attention to the fact that the regulatory legal framework of many countries of the world emphasizes that the choice of law is not possible when there is no connection of relations with another legal order or legal orders, that is, regarding relations that are purely internal, and not private-international character [4].

Since most legal systems recognize the legal systems of other countries and are in constant international interaction, the autonomy of the will should be considered as an expression of the essence of law. The legislation of almost all states enshrines the autonomy of the will as the basis and main principle of regulating contractual and legal relations, especially related to foreign legal order.

In national legislation, the principle of autonomy of will is enshrined in the Law of Ukraine “On International Private Law” in clause 5, part 1 of Article 1 stipulates that autonomy of will is a principle according to which participants in legal relations with a foreign element can make a choice of law that is subject to application to the corresponding legal relations with a foreign element. In accordance with Part 1 of Article 5 of the Law, such a choice is made in cases provided for by law. Based on the content of clause 5 of Article 1 and part 6 of Article 5 of the Law, it can be asserted that the scope of the principle of autonomy of will is, in fact, the entire complex of social relations, which is covered by the concept of “private law relations, which through at least one of their elements are connected with one or more legal systems, other than

Ukrainian legal order" or "private law relations complicated by a foreign element" [5].

The autonomy of the will in international private law is gaining support and spread not only in relation to contractual obligations, but also in other private law relations known for their traditional "hard" conflict rules (tort, labor, family, etc.) and has long been recognized as a basic principle, probably of all modern legal systems of the world.

Analyzing the above, we can conclude that the autonomy of the will is a fundamental, basic principle of international private law, which plays a special role in the regulation of international legal relations, which in turn corresponds to the very nature of private law relations and the ideas of interstate cooperation. The sources of modern private international law of individual states provide participants with quite wide opportunities for choosing law, which in turn is a consequence of the globalization of interstate legal relations.

The principle of autonomy of will is one of the important manifestations of discretion in the regulation of international private relations, and awareness of its content and significance requires more detailed scientific developments, in-depth analysis and research.

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