

## Certain aspects of interaction between the state and civil law in CIS countries

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Today, globalization processes are increasingly entering people's lives and condition the continuous development of society as a fundamental principle of modern progress. Globalization, as an association based on global guidelines and the introduction of advanced technologies, is one of the main factors influencing the change in understanding of the essence of the state and civil law, their interconnection and interdependence. In the framework of the article, the author has analysed the influence of the state policy of the CIS countries on the national civil law of the studied states; features of state law-making and formal certainty, the general obligation of national civil law in the CIS countries have been revealed; the influence of the state on the implementation of civil law has been determined, and vectors for reforming national civil law in the CIS countries have been established in the context of its interaction with the state. As a result of the study, it has been established that the state has the opportunity not only to interact with civil law, but also to actively influence its content, and to protect the right from violations; the characteristic features of the influence of the political course on the national civil law of the CIS countries have been determined; it has been stated that the most significant influence of the state on civil law is made directly in the field of law-making and law enforcement; the author's definition of the concept "model law-making in the field of civil law in the CIS" has been proposed; it has been argued that it is very advisable to build a scientifically sound, effective and comprehensive legal policy of the CIS member states.

**Keywords:** globalization, civil law, CIS, state, rule of law, model law-making

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## INTRODUCTION

As is well known, one of the reasons for the emergence of the state was the public awareness of the need to ensure, with the help of state institutions, the continued existence and development of social relations (Lazarev 1996). However, in modern conditions of development, a conceptually effective approach is no longer limited to consider exclusively the doctrine of the social state. In the practice of public administration, it is inevitably to raise questions about the relationship between personal and public freedom; interests of the individual, society and the state; about the real mechanisms for ensuring the rule of law and solve them on the basis of constitutional principles (Akhmetshin et al. 2018a, 2018b). Moreover, at this stage of the development of transboundary cooperation, national state policy, built in the light of possible geopolitical positions and risks, is of particular importance (Busse & Hefeker 2006). Also, maintaining security in the world today is a key task, both for states and for individual international organizations (Ivanov et al. 2015, Mishchenko et al. 2019). Ensuring a fragile balance in international relations is not an easy task in the conditions of world transformations, the guarantee of which is possible only through law (Bazhanov 2011).

Thus, today globalization processes, the development of new innovative technologies, the adoption of sustainable development priorities, as well as other features inherent in modern civilization, are increasingly entering people's lives and conditioning the continuous development of society as a fundamental principle of modern progress, as well as pushing the state and society to unconditional fulfilment of its task to ensure priority for the development of legislation as a universal regulator of their legal relations (Kot 2018). A natural complication of relations in the process of development of a society inevitably requires a modification of legal regulation. One way to solve this problem is the direct active involvement of state bodies in this process (VoLodzkiene 2018, Laurinavičius 2018, Boltochko 2018, Jablonskis et al. 2018). All this is reflected in state law-making and the country's participation in the implementation of the law, due to which the state began to position itself as an active participant in the process of legal regulation of public relations, but only in those that require such regulation and allow its possibility with the help of legal (legal) means (Bykov 2009).

In turn, the expediency and timeliness of the study of some aspects of the interaction of the state and civil law are due to the following arguments (Luts 2018). At the beginning of the 21st century, the phenomenon of the state manifests itself in fundamentally different conditions, when the growth of globalisation processes entails a change in the mechanisms of interaction of various levels of the rule of law: international, supra-national (regional) and national (Tselev 2014). The social state is empirically affirmed at all levels, on the one hand, maintaining the priority of the sovereign jurisdiction of the state, implementing an active socially oriented policy, and, on the other hand, being embodied in the common legal values of European and international law. The civil law values of the state have found themselves in the gradual formation of the so-called "global law", which is embodied on the European continent, first of all, in the 1950 European Convention on Human Rights (Convention for the Protection of Human... 1950) and in the practice of the

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European Court of Human Rights founded by it in Strasbourg (Tarasova et al. 2018, Zemguliene & Valukonis 2018, Masiulevičius & Lakis 2018, Manuylenko et al. 2018, Kaźmierczyk & Chinalska 2018, Schwarz 2018, Slávik et al. 2019).

Globalization, as an association based on global guidelines and introduction of advanced technologies, is one of the main factors influencing the change in understanding of the essence of the state and civil law, their interconnection and interdependence. The global legal infrastructure provides effective protection of state values (Herrmann et al. 2017; Yarotskiy 2018). At the same time, globalization creates large-scale problems, including those of an economic and financial nature, which force to substantially correct the functioning mechanisms of the state and civil law (Shurentayev et al. 2018). An analysis of the vectors of interaction and related reforms aimed at correlating state policy and existing national civil law and legislation is of scientific and practical importance for the state law practice of the CIS countries. In addition, the problems of interaction between the state and law are increasingly becoming the objects of research by scientists on the territory of these countries, which especially updates the chosen topic (Bezpalov et al. 2016, Bezpalov et al. 2019).

Based on the foregoing, the aim of the article was to conduct a comprehensive study of some aspects of the interaction of the state and civil law in the CIS countries (Bekmansurov et al. 2019). To achieve the outlined direction of scientific work, the following tasks were set: (1) to analyse the influence of state policy of the CIS countries on the national civil law of the states studied; (2) to reveal the features of state law-making and formal certainty, the general obligation of national civil law in the CIS countries, and (3) to determine the influence of the state on the implementation of civil law and establish vectors for reforming national civil law in the CIS countries in the context of its interaction with the state (Talimova & Kalkabaeva 2016, Baisalov et al. 2016, Bazilova et al. 2016, Sadiev 2016, Aubakirova et al. 2016, Abayeldinov & Kala 2016, Bakishev et al. 2016, Bektleeva et al. 2016, Iskakova et al. 2016, Nurmaganbet et al. 2016, Konysbai et al. 2016, Dzhansarayeva et al. 2016, Dzhansarayeva et al. 2016, Ternovsky et al. 2016, Bachev 2016, Abikayeva et al. 2016, Shatkovskaya & Epifanova 2016, Starostin & Chernova 2016, Smoilov et al. 2016, Nechaev & Antipina 2016, Smagulova et al. 2016, Akhmetova 2016, Myrzabekova 2016, Tordia & Savchenko 2016, Muftigaliyeva et al. 2016, Rodionova et al. 2016, Gabdulhakova & Nekrasova 2016, Utibayeva et al. 2016, Tileubergenov et al. 2016, Teplov et al. 2016, Khamzin et al. 2016, Ydyrys & Munasipova 2016, Nazarova et al. 2016, Kobylinsky 2016, Shinet et al. 2016, Vinichenko et al. 2016, Baynova et al. 2016, Bertayeva et al. 2016, Janshanlo 2016, Zhanakova & Shulenbaeva 2016, Kuznetcov & Kuznetsova 2016, Akalpler 2016, Kryukova et al. 2016, Nedoluzhko et al. 2016, Zhelaeva et al. 2016).

The scientific analysis of issues of interaction between the state and law as a whole was raised by such scientists as: E. Bazhanov (2011), A. Bykov (2009), and others. The influence of state policy on civil law, the enforcement of law and law-making were fragmentarily disclosed in the works of such scientists of the CIS countries as: N.L. Bondarenko (2014), Zh.Zh. Zhagypar and R.B. Abdulova (2017), L.V. Schennikova (2008), among others. Despite the researching of the

selected issues by representatives of the civil law doctrine and practice in the CIS, the interaction of the state and civil law gets a new sense and content in the light of today's realities (Prodanova et al. 2017, Prodanova et al. 2019). The study of this issue in the context of integration processes in the post-Soviet space is of great importance for the national political science of each country, especially in conditions of uncertain geopolitical orientation of states that are urgently faced the problem of ensuring national security and the effective enforcement of civil law and legislation.

## **MATERIALS AND METHODS**

The choice of research methods is directly related to the nature of the purpose of the article and the tasks outlined. The principles of modern scientific knowledge – scientific character, objectivity, historicism, the unity of theory and practice, and the like – constitute the theoretical and methodological basis. The need to consider the phenomena and processes of the state and civil law in their integrity and development has led to the use of the principle of dialectical interdependence, which provides for the consideration of integration processes in the post-Soviet space in statics. That is why the principles of consistency and dialectical interdependence in the study are inseparable and interconnected (Yasnitsky et al. 2015). The application of the systemic method made it possible to establish a relationship between geopolitical, geo-economic and geo-cultural factors, which are determining and affecting the integration processes in the CIS, as well as to clarify their impact on the civil law of the studied states. These general approaches are supplemented by other philosophical methods, in particular civilisational, axiological, hermeneutical and others (Konussova et al. 2016, Ydyrys et al. 2016, Kirdasinova et al. 2016, Tileubergenov et al. 2016, Ryzhikov 2016, Dilbarhanova et al. 2016, Chernysheva et al. 2016, Bakhtizin et al. 2016, Zonova et al. 2016, Malysheva et al. 2016, Galiakbarova et al. 2016, Ostanina et al. 2016, Akalpler 2016, Solomonenko & Dultsev 2016, Taipov et al. 2016, Batorov et al. 2016, Tastanova et al. 2016, Tsyrenov et al. 2016, Dugarov et al. 2016, Rogova et al. 2016, Druzyaka et al. 2016, Grigoryev & Aubakirova 2016, Sherimova et al. 2016, Ishakova et al. 2016, Baidybekova et al. 2016, Baisagatova et al. 2016, Aimesheva 2016, Amanova et al. 2016, Lukovskaya et al. 2016, Aitkhozhina et al. 2016, Kuchukova et al. 2016, Huda et al. 2016, Lukovskaya et al. 2016, Iskakova et al. 2016, Niyazova et al. 2016, Kamenova et al. 2016, Smrčka et al. 2016).

The presentation of the article is based on the analysis method used in the study of the basic concepts and terms used in the study. The institutional approach helped to clarify the role and place of such an institutional association as the CIS in the process of interaction of states with law. The structural and functional approach is involved in the process of a more detailed analysis of the influence of states on civil law in the post-Soviet space. The comparative method is used to identify the general and distinctive features of the reform of national civil legislation. Thus, the methodological base of the article is based on a combination of systemic, dialectical, historical and chronological, institutional, structural and functional, comparative, retrospective, civilisational, political-cultural approaches, as well as

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analysis and forecasting methods, which made it possible to comprehensively study some aspects of interaction between the state and civil law in the CIS. In addition, to accomplish these tasks, general scientific research methods were used: analysis, synthesis, generalization, induction and deduction.

### RESULTS AND DISCUSSION

The functional relationship between the state and law is constantly evolving and changing. They can be determined by the supremacy of the state over law or the priority of law over the state. They can also be characterised by a state of equilibrium. The rule of law subordinates the state to civil society, which, in turn, determines the form, content and social purpose of the state (Shemshuchenko & Aver'yanov 2008). When considering the relationship between the state and law, various approaches to understanding the nature and attributes of the state should be taken into account as a priority. Some scientists note that the state exists simultaneously at different levels of society, which often leads to the emergence of several “modules” of statehood: (a) substantial – a set of interconnected and interacting individuals; (b) attributive – group, class, ethno-national relations and the like, and (c) institutional – a set of norms and institutions that mediate the social activities of the state (Yevkhtutch 2015). Therefore, the correlation of the state, law and legal system should be considered not only at the institutional, but also at the substantive and attributive levels, because law cannot be limited only by its normative basis.

Features of the relationship between law and the state arise from the very nature of law as a compulsory requirement, a categorical imperative, a powerful regulator of human behaviour, a necessary means (Dovgert 2007). The volitional nature of law follows exactly the imperious nature of legal norms. A number of scientists emphasise that the connection of state power with law is an organic connection, which creates the phenomenon of law itself and provides it with the significance of a real factor in the public life of society (Lutsiv 2014). The importance of state power for law is identified in two main areas: firstly, the state power with its acts (normative, judicial, etc.) provides certain norms and principles of the quality of positive law: first of all, general normative orientation, the possibility of a clear legal certainty of the content of regulation; from a broader perspective, the quality of institutionalism, and, as a result, public recognition and universality. Secondly, in the fact that exactly the state power provides the necessary authorities and appropriate means with the relevant authorities, justice, as well as through laws and other legal forms, determines the basis and procedure for their activities and provides significant guarantees for the implementation of legal norms.

It can be stated that it is the state that determines the legal accuracy and the specification of general rules – legal norms. It transforms the legally binding into a real rule of law. In examining the question of the effect of law on the state, it must also be borne in mind that law is not only and not so much a norm established by the state, not jurisprudence or even legal customs. The real underlying causes of the law that determines its social meaning are not rooted in the state, not in the listed sources of law, but in the system of really existing public relations, namely, property relations. Thus, the basis of the interaction between the state and law is the civil law

component, which determines the further need to investigate the impact of public policy on the national civil law of the CIS member countries.

First of all, it should be noted that for many decades directly the political guidelines of the CIS countries have determined the development vectors of the state as a whole. Moreover, the foreign policy of states becomes the institutional basis for the implementation of the norms and principles of international civil law (Plavich 2013). In this context, studying the category of national interests of the state is of particular value, which is one of the unifying links of state policy and the implementation of international standards and requirements that, on the one hand, are the basis in the formation of national domestic and foreign policy of the state, and on the other, affect the level of compliance with civil law. Since the interests of society are generalized and formalised in public policy, the latter acts as a means that can contribute to the implementation of civil law. Moreover, not only foreign, but also domestic policy should be built in accordance with international civil law. This is due to the growing volume of international cooperation, and international obligations arising from treaties and conventions should determine the content of state policy, since the aims of these obligations and their means are transformed into policy goals (Babadzhanov 2013).

It can be stated that the effectiveness of state policy in the implementation of international obligations is due to its ability to perceive such obligations and integrate them into its own essence, defining and introducing effective means to achieve their aims. The importance of state policy in the implementation of international civil law is also due to the presence of all the appropriate tools for implementation in it: mechanisms for the development and adoption of regulatory acts of the appropriate level, the organisation of activities of the structure of government bodies involved in the implementation of acts, non-governmental institutions and private entities of the relevant field activities. Therefore, the effectiveness of the mechanism for the implementation of international civil law can be optimized through the introduction of integrated political measures.

It is proved that state policy is a unique tool that can influence the national mechanism for the implementation of international civil law (Andreeva 2016). Its role is revealed through its ability to conceptually determine and implement national interests and priority areas for the development of the state as a participant in international cooperation, in particular in the CIS. For example, the general tendency in the development of civil law in the Republic of Kazakhstan is to strengthen public principles in regulating economic relations, to strengthen government intervention in private entrepreneurship, and to introduce corporate management of the economy (Zhagypar & Abdulova 2017). The determination of the limits of such an intervention directly depends on state policy in a certain period. In turn, at the present stage, the state policy of the Russian Federation defines two main directions for improving civil legislation: (1) improvement of the Civil Code, and (2) a qualitative improvement of legislative acts arising from the Civil Code and regulating certain types of economic relations (Kostyuk 2015).

Unfortunately, today sanctions restrictions, an unstable position in the world community, and refusal to cooperate with the Russian Federation compel the state

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to prioritise the approval of geopolitical landmarks and vectors of foreign policy, while levelling off national civil law and its improvement. At the present stage of development of political guidelines of the Republic of Belarus, in contrast to the period of the socialist economy of the 20th century, the functions of civil law as a branch of law and, accordingly, civil law norms as the basic structural unit of the civil law system are aimed at: effective integration of the state economy into the global economic space and the maintenance of understandable, including for foreign participants, and stable in the long-term rules for the implementation of economic and political activities; provision of equal legal guarantees for the development of civil relations; establishing a reasonable balance of private and state economic interests; minimisation of state interference in private civil relations; maintaining legal guarantees for the exercise of property rights; stabilization of the economy and its further effective development, contributing to the growth of the welfare of each individual citizen and the state as a whole (Mankovsky 2014a).

On the territory of Ukraine, the European integration directions of state policy and the intensification of the processes of reforming national legislation in general, and civil law in particular, form the leading trends in the transformation of the legal field. It should be noted that the civil law of Ukraine is undergoing significant changes today. So, in particular, the resolution of the Cabinet of Ministers of Ukraine dated July 17, 2019, No. 650 "On the creation of a working group on the re-modification (updating) of the civil legislation of Ukraine" (On the creation of a working... 2019), has launched comprehensive work on the processes of qualitative changes in the civil legislation of Ukraine, bringing it into the line with world trends private law development. The leading areas of work of this newly created advisory body are related to the development of bills to improve private regulation.

A generalisation of the vectors and guidelines of the state policy of the CIS countries allowed determining the following characteristic features of the influence of the formed political course on national civil law: increasingly, the foundation of the transformation of national civil law is the European integration vectors of state policy of countries seeking to become part of the world community. The desire to bring the legal regulation of civil relations of the CIS member states closer to the legal regulation of the European Union is not just a requirement of time in connection with the formation of new relations on the geopolitical map of the world, but also a necessary regularity in the development of internal and external functions of the corresponding national policy (Garat 2013); implementation, adaptation and convergence prevail in legislative processes; the transposition of civil law remains low-income; the prerogative is given to the implementation of foreign public policy to the detriment of national law-making interests; despite fairly detailed reform planning, the actions of state authorities are inconsistent in nature, a significant part of which has a temporary economic, social, political conditionality or is dictated by corporate interests of certain power groups, therefore they often contradict the declared reform course and long-term goals. It must be emphasised that the ability of the state to influence civil law is most distinctly manifested in the process of law-making. In this, it should be noted that state law-making does not generate new relations in society, but only directs (organizes) existing ones. But such an ordering

acquires other features different from those inherent in social regulators. First of all, this concerns the formal certainty and the general obligation of civil law norms that are born in the process of state law-making.

Formal certainty is in the fact that the legal norm begins to be contained in the written text, which has a rational structure, that allows legal entities to more clearly define their rights and obligations, that is, to be confident about the legal possibilities of both their own and other participants in civil legal relations. The written text provides the legal norm with relative stability, prevents its arbitrary interpretation, makes it predictable and static (Bataikin 2013). But, at the same time, the written text “freezes” the verbal expression of a legal norm, making it less or completely non-dynamic. That is, one that, sooner or later, without appropriate adjustments to the text, will become archaic and will no longer correspond to the changes that are taking place in public relations. Formal certainty is not an exclusive property of the rule of law that results from the process of state law-making, however, their unconditional and exclusive prerogative is the generally binding nature of such rules for all subjects of civil legal relations throughout the state. This phenomenon is caused, first of all, by the legal nature of sovereign state power and, accordingly, by the fact that a legitimate state power extends its power orders to the entire territory and to the entire population of the country, which perceives such orders as competent. Accordingly, one of the ways to implement such interaction with law is state law-making. In addition, the compulsory nature of legal norms is achieved by the state through having legitimate means of control over the implementation of legal norms and enforcement mechanisms operating in the framework of the legal field if they are not fulfilled (Vozárová et al. 2016, Radevskaya et al. 2016, Rasulov & Schwarz 2016, Hendijani 2016, Frolov et al. 2016, Keksel et al. 2016, Sharma et al. 2016, Raisian et al. 2016, Timčák et al. 2016, Rudneva et al. 2016, Nosova et al. 2016, Hadian et al. 2016).

It is worth noting that in recent years the role of civil-society institutions in the development of a new type of law-making has increased, namely: the creation of model legal acts as a higher level of unification of the norms of national civil legislation. It should be agreed with the point of view of Kolodiy (2015) that legal modelling is not only an element of the legislative process, but also a serious theoretical and applied activity, carried out directly on the basis of practice and the requirements of life, relying on the huge amount of knowledge accumulated by all civilised humanity.

So, precisely thanks to model law-making, the CIS countries can ensure the harmonisation of the civil law of member states, since today the requirements for its internal consistency and external consistency with the laws of other countries are being tightened. Voloshin (2013) noted that model law-making is part of international legal unification, which should be understood as a law-making process aimed at creating unified or uniform legal norms not only with the aim of eliminating contradictions and differences between national legal systems or between international legal norms, but also with the aim of creating new norms that fill existing gaps in the regulation of relevant civil law issues. Murashin (2009) noted that model law-making is a legal phenomenon generated by life, which is



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an effective tool for unification and convergence of national legislations, their enrichment and dynamic development in the context of new economic and political realities, contributes to comprehensive international cooperation of various countries in solving pressing problems and achieving a common goal, the formation of a single legal framework for joint activities to implement progressive social, economic and other transformations, the organization of reliable protection of human and civil rights. Thus, in the post-Soviet space, model law-making received higher recognition and development in the field of civil law precisely thanks to the law-making of states (Petrishin & Kolodiy 2016).

The analysis gives ground for the formation of the author's definition of the concept of "model law-making in the field of civil law in the CIS", which should be understood as a gradual and consistent process of the emergence, execution, preparation, compilation, development and existence of civil law that takes place in society and the CIS countries that at the final stage provides for the creation of model regulatory legal acts (model laws and model by-laws) and model legal acts of recommendation, on the basis and in accordance with which other regulatory legal acts are developed and adopted. Therefore, basing on the theory of law-making and adapting it to the model law-making process, legal acts can only be called those on the basis and in accordance with which other legal acts are developed and adopted – legal and recommending. The participation of the state in the law-making process, its possibilities to influence civil law are not exhausted. As one of the subjects of law-making, namely, as the creator of legal norms, with the participation of which the latter acquires the special properties indicated above, the state remains an active participant in the process of implementing legal norms and, in particular, those created in the process of state law-making. So, thanks to the implementation of the requirements of civil law norms enshrined in law, state bodies and their officials can exercise their powers (Romanets 2012).

Also, through the implementation of civil law norms, in particular those that find their fixation in other sources, not in normative legal acts, people implement their rights and obligations mainly independently, without involving the state. However, the complexity and variety of legal relations, the conflicts that arise in the process of legal implementation, from time to time require the state (within its legal powers) to take active steps aimed at the emergence, restoration and continuation of civil-law relations between entities. Such active actions of state bodies aimed at resolving legal situations are commonly called law enforcement, the specificity of which is that its result is a solution to the legal situation by adopting a binding law enforcement act (Egorova 2015). This act gives rise to rights and obligations of participants in legal relations, which before the adoption of this act did not exist, or confirms those that were violated or denied. Therefore, law enforcement acts in the literature are also called secondary legal texts (Polyakov 2004). Secondariness in civil law lies in the fact that, on the basis of existing legal norms, a legal act is adopted with a view to their implementation, which may also contain a definition of the rights and obligations of the parties. And this legal act is binding on those entities in respect of which it was adopted. This is another of its specific features, namely individuality. Examples of such enforcement acts adopted by state bodies

are, first of all, decisions of courts, regulatory authorities, licencing and registration institutions, and the like.

Thus, having legal opportunities to create civil law norms, implementing their requirements in their own daily activities, applying legal norms to solve legal situations between subjects of legal relations, the state is able to not only interact with civil law, but also actively influence its content, and to protect the right from violations. It should be noted that the law enforcement function of the state is one of the main directions of its activities characterising its essence (Schennikova 2008, Mankovsky 2013). It manifests itself, first of all, in the protection of the state from violations of the rights and freedoms of citizens, the constitutional system, the rule of law, all public relations established and regulated by law. One way or another, the law enforcement function is inherent in the activities of all government bodies and other bodies, both state and non-state, bodies and organisations, which, exercising their competence in various fields, must comply with the rule of law and protect (defence) the rights and freedoms of citizens. Without a doubt, there are limits to the state's influence on civil law. First of all, this is due to the regulatory potential of the law itself, the capabilities of the state, its structures to ensure the operation of civil law in socio-economic and political conditions. The possibilities of the state should not be overestimated, since this always leads to the idealisation of legal means, and, ultimately, reduces the social value of law. The state cannot use the law contrary to its purpose. Thus, it is highly expedient to build a scientifically conditioned, effective legal policy of the CIS member states, which allows the use of civil law tools rationally and in the public interest.

Studying the directions and features of further reform of the national civil law of the CIS countries has demonstrated that this process should be carried out systematically, using a set of measures with the aim of converging legal systems. The creation of a qualitatively updated and effective civil law and legislation should take into account the positive experience of economically developed countries and the vectors of their foreign policy, as well as be ensured by the timely and accelerated development of packages of instructional and methodological documents, an economic assessment of the proposed legislative provisions, and scientifically based recommendations.

Today, a very debatable issue in the territory of the CIS countries is the problem of the correlation of state and civil law (Bondarenko 2014). Thus, in legal science, there are several leading approaches to the outlined problems. The first approach, aesthetic, proceeds from the prevalence of the state over civil law, where the latter is considered solely as a result of state activity, the actual result of law-making (Vorobiev 2009). This approach is gaining increasing support in the context of modern realities and transformation processes in the legal systems of states. Scientists justify that civil law is subordinate to the state (Karpova 2005). The actual mandatory component for this approach is political practice, which considers civil law as an "appendix" to the state. A formal and dogmatic attitude to the concept of civil law as a set of norms published and formed by the state becomes a theoretical prerequisite (Rodionova 2009).

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The second approach to the correlation of state and law is expressed in the format of natural-legal views. Supporters of the school of natural civil law proceed from the actual restriction of the state by law, which, in their opinion, is based on the inviolability of natural law and the impossibility to alienate public rights of an individual (Onishchenko 2009). This conceptual position gives civil law a clear priority over the state. This approach has undoubted advantages and is a philosophical and legal basis for consolidating the idea of the rule of law in political practice. Representatives of science characterise the third approach by the fact that interconnection of civil law and the state is not of an unambiguous cause and effect nature (the state gives rise to the law or the law forms the state) (Mankovsky 2014b). Such a connection is complex and bilateral: the state and civil law cannot exist without each other, that is, there is a functional connection between them. In this approach, it is possible to discover the deep connections between civil law and the state, avoid one-sidedness, understand what gives the right to the state, and find out the role of the state in ensuring the right.

At this stage, the one unified approach to the issue of correlation of state and civil law by representatives of the doctrine in the post-Soviet space has not been developed. However, summarizing the above approaches, it can be stated that the connection between the state and civil law is that, on the one hand, the state does not generate law, but depends on it, subordinates to its strength; on the other hand, it is a powerful tool that supports and enhances the importance of civil law, its potential in the social system. Therefore, the state uses the law as a means of managing public processes, but only to the extent that the law “allows”.

## CONCLUSION

The importance for people, society and the state to exist in a stable legal field determines the close interconnection and interaction between the state and law, which is based on a civil law component. The correlation of state, law and legal system should be considered not only at the institutional, but also at the substantive and attributive levels, because law cannot be limited only by its normative basis. Today, in the context of globalisation, it is the state that determines the legal accuracy and specification of the general rules of civil legal relations – legal norms. Since the interests of society are generalized and formalized in public policy, the latter acts as a means that can contribute to the implementation of civil law. A generalization of the vectors and guidelines of the national policy of the CIS countries allowed identifying the characteristic features of the influence of the formed political course on national civil law, among which the intensification of the implementation of international civil law has a leading place. The effectiveness of the implementation mechanism of such standards can be optimised through the development and application of integrated policy measures.

It has been ascertained that the most significant influence of the state on civil law is made directly in the sphere of law-making and law enforcement, since the law is being formed with the obligatory participation of the state. However, the state does not form it, but only completes the law-making process dictated and requested by society, providing certain legal forms to civil law (legal act, judicial

precedent, etc.). Moreover, the state promotes the spread of civil law in the social space, recognizing the obligation of participants in civil law relations to respect their inherent rights and prevent illegal approaches in achieving socially significant results. The outlined processes serve as a prerequisite for the participation of society in the law-making process by creating model legal acts as a higher level of unification of the norms of national civil legislation. As part of the study, an author's definition of the concept of "model law-making in the field of civil law in the CIS" has been proposed. As a result of a comprehensive analysis, it has been established that the state has the ability not only to interact with civil law, but also to actively influence its content, and most importantly, to protect the right from violations. Based on this, it has been argued that the creation of a scientifically sound, effective and comprehensive legal policy of the CIS member states, aimed at interacting with civil law, and allowing the use of civil law tools rationally, in the public interest, is very reasonable.

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