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## **Challenges and possible opportunities of legal systems integration of the countries of the Eurasian space**

In the given article are investigated possible opportunities of state cooperation of the Custom Union. The views of various authors on the problems and prospects for the formation of a single political and economic Eurasian space are examined. The possible legal perspectives of integration of the legal system of the Eurasian space are also considered. The role of Russia and Kazakhstan is emphasized. Examples of assessments of Eurasian communities by researchers and practitioners are given. In this article, it is considered that, the Eurasian Economic Union for quite a short time organically fit into the processes of the modern economic and political and legal life of its member states. This was preceded by a huge work in the framework of various integration structures in the post-Soviet space. EurAsEC, having fulfilled its historical mission, transferred the baton to a new integration association. The creation of the Union is of historical significance for the future of its member states and other countries, which in the future will join it. The Eurasian Economic Union will be able to compete on an equal footing and cooperate with the rest of the poles of the modern multipolar world, which brings our countries to a fundamentally new integration level and awakens a completely different geo-economic reality of the 21st century.

*Keywords:* Eurasian space, legal system, Customs Union, Commonwealth of Independent States, Euroasian integration, globalization, legal support.

The processes of globalization and the active use of the potential of integration links have a great influence on the supranational legal life of modern society. The relevance of supranational regulation within the framework of interstate structures is steadily increasing due to its active role in building the global legal order. Supranationality, as a response to the challenge of rapidly developing globalization, represents a form of realization of state sovereignty, as well as a method for ensuring effective cooperation of sovereign states.

One of the most important ways of positive development of the legal life of states and the whole world community is its targeted legal regulation through a competent legal policy and creative use of the tried and tested legal experience of interstate structures. The use of the instruments of integration law contributes to the balance of national, supranational and international interests of states, as well as the adaptation of states to its negative manifestations, which is necessary in the context of globalization.

Formation of legal systems occurred long time ago, and it continuous to occur and now. For example, the legal system of Kazakhstan recently belongs to a socialist legal family, now it belongs to the Romano-Germanic legal family. Thereupon, it can be concluded that the law is constantly being upgraded; new forms of it are appeared.

First of all, I would like to draw your attention to the sayings made in various modern scientific literature, the so-called futurist scientists, who actively urged the world to care from disintegration and fragmentation of the population, supporting, in this way, the tendency of some countries to unite, as is currently done in Europe a little. Because in this case there will be territorial disagreements, disputes and conflicts between national entities, there will be no struggle for raw materials and resources will become common property. This will push the world to the early development and implementation in the economy and industry in the new, environmentally friendly, low-cost and highly efficient technologies, thus allowing to overcome any particular state familiar internal economy's dependence from cost of barrel of oil or the dollar. This circumstance undoubtedly will be recognized as a significant breakthrough in the development of our civilization, moving it to a new level of interethnic communication with a more conscious understanding and universal recognition of the role of international law [1].

It should be noted that today in the modern constitutions of many states of the world already contain provisions on the priority of international law over the domestic state. The Kazakh scientist A.S. Ibrayeva on the example of the European Union on this occasion notes that this creates a supranational law, called a humanitarian [2; 79].

For example, in such a country of the European Union as Germany, domestic laws are of secondary importance, since all types of public relations are regulated by common European legislation, common European conventions [3; 96]. Accordingly, there are supranational bodies - the European Parliament, the Court of the European Union, the European Commission, etc.

It is noteworthy that European law has a direct effect, that is, if the law of a state is contrary to European law, it must be repealed or appropriately modified. The direct effect of EU law is that for the entry into force of an EU legal act, no ratification or other form of recognition by a member state is necessary [4]. This is the highest form of any integration association, and the European Union is a clear example of how the process of integration takes place in the most manageable form (at the level of supranational law).

For information, if the XVII century and the first half of the XX century became the era of the formation of independent national states, then in the second half of the 20th century, the reverse process began. This new trend first (from the 1950s) developed only in Europe, but then (from the 1960s) spread to other regions. Today many countries voluntarily renounce full national sovereignty and form integration associations with other states. The main reason for this process is the desire to increase the economic efficiency of production, and integration itself is primarily economic in nature [5; 74].

According to experts, the essence of economic integration is that between the countries eliminated economic barriers. Consequently, within the Integration Association develops a unified market space, where free competition is deployed. Under the influence of market regulators - prices, interest, etc. in this same space arises a more effective territorial structure of production. This ensures that all countries benefit on improving productivity, as well as savings in customs control over foreign-economic relations [6; 87].

The term «economic integration» (integration, from Latin *integratio* - restoration) means interaction and mutual adaptation of national economies of different countries, leading to their gradual economic merger [6; 90].

The future of the states of the post-Soviet space is connected with the process of their further unification, the establishment of lasting, mutually beneficial multilateral relations. The creation of economically and strategically advantageous alliances is also globalization, but for the prosperity of our countries. Formation and functioning of interstate structures in the post-Soviet space are processes having their own specific features. Effective practical implementation of the goals and objectives of existing associations of states of different levels with the participation of the Russian Federation implies the search for an optimal combination of national and international interests on the basis of a well-considered legal policy in this area.

As regards the Republic of Kazakhstan, despite the fact that today our State is a full-fledged participant and a subject of international law, presides in such organizations as the OSCE, but Kazakhstan cannot be called a full-fledged subject of the human rights law.

However, our State is one of the most active supporters of integration processes in the post-Soviet space. So, back in 1994, the President of Kazakhstan, Nursultan Nazarbayev, offered partners in the CIS to cooperate in economy and politics and not succumb to disintegration moods. In the same year, Nursultan Nazarbayev, speaking at the Moscow State University, proposed the creation of a Eurasian Union of States. And already in Great Britain in the same year 1994 our President noted: «The present era will be replaced by the era of integration of the states of the Eurasian space. Thus, the President always said, that the only way forward for the countries of the region is the mutual integration. The future course of history only confirmed those words. This is exemplified by the rising momentum in the development of the Customs Union (Russia, Kazakhstan, and Belarus). The creation of such a Customs Union has made integration processes irreversible and even accelerated them. Currently, Armenia and Kyrgyzstan are joining.

In this connection, it can be noted with pride that Kazakhstan has always been the main initiator of integration processes both within the CIS and in the Central Asian region. The President of the Republic of Kazakhstan N.A. Nazarbayev has repeatedly called on the countries of Central Asia to combine resources, to create effective and interlinked economy, total capacity and its results would be recognized in the world economy, to ensure a decent standard of living for our people.

Meanwhile, it should be noted that the current Customs Union is far from the final stage of the process of integration of Russia, Kazakhstan and Belarus, and not the first attempt to economically integrate the countries of the former USSR as a whole.

Turn a little to the history. So, way back in September of 1993 year CIS countries signed a Treaty on the creation of an Economic Union. The main objective of the Union was to become interstate integration, implying the existence of a single economic space, harmonization of fiscal and monetary policies of the Member States and the introduction of the single currency [7; 148]. Thus, abandoning the single socialist

planned economy, the CIS countries decided to unite their economies on a new market by passing a number of stages. In the first stage it was supposed to create a free trade zone. In the second stage envisaged the formation of a Customs Union. At the third stage should be formed the common market for goods, capital and labour, and the final (fourth) step would be the formation of economic union.

We emphasize that the European Union has also gone through a similar path of development: 1968 - the stage of building the Customs Union, 1992 - the formation of a common market, 2002 - the introduction of a single cash currency. In addition, to date, this RIA (regional integration association), as noted above, has such well-functioning and functioning supranational bodies as the European Parliament, the European Council, the Court, etc., which guarantee law, applicable in merger integration status of communitarian [8; 122].

However, the Commonwealth of independent States, unlike the European Union, has failed to implement into reality the none of the above integration projects because of insurmountable differences between its members.

As noted by Zh.M. Kembraev, by the end of 1994 in the framework of the CIS clearly formed two camps that have taken diametrically opposed visions of the Commonwealth. If the first camp (Russia, Belarus and Kazakhstan) played for deep integration and pursued as a task-at least to build the Customs Union, the second camp, whose representatives formed subsequently, such as GUAM, a regional organization (International Organization, formed in October 1997 year and unites at present Azerbaijan, Georgia, Moldova and Ukraine), considered the existence of CIS only as a form of «civilized divorce» and considered as the maximum acceptable limit themselves to integration within the CIS free trade area only, that is, to exclude any form of political integration. Almost all GUAM member states have some kind of political disputes and tensions with Russia (for example, Georgia because of Abkhazia and South Ossetia, Moldova - because of Transnistria, Azerbaijan - because of Armenia's support in connection with the Nagorno-Karabakh conflict) [7; 147]. Thus, because of these contradictions, the CIS countries have not been able to agree even on the creation of the most elementary forms of a regional integration association.

In addition, on January 22, 1997, at a meeting of the CIS Interstate Council, the President of Kazakhstan proposed the creation of a Single Economic Space (SES) and the adoption of real, simplest steps to bring countries and peoples closer together in the most vital areas of communication. In history they entered as «Ten simple steps to meet ordinary people», for the achievement of which it is necessary to rely on the following basic principles: elimination of customs duties among States, obstacles to the free movement of labour, services and capital, carrying out a coherent economic policy.

Kazakhstan's initiative to create and implement the integration of the Central Asian States of the Union is based on the fundamental assumptions-historical, geographical, political, economic, cultural, linguistic, religious community of the peoples of the region. In Central Asia, covering more than 3.5 million square km, live more than 56 million people - 18 % of the total population of the CIS. The economies of the states are highly interrelated, due to the natural and geographical peculiarities of the region, the states are joint users of energy, transport and irrigation networks, gas and water supply systems [9; 221].

An important integrating factor is the need to jointly solve economic and environmental problems in the region, the consolidation effort by all states to ensure national and regional security and counter global challenges and threats of our time. The main strategic economic objective is the formation of a single economic space, a common trade and customs area, a single monetary union and unified economic strategy. For rapprochement in the post-Soviet space in the future, as peoples with a common history, culture, language, and general economic, financial, educational and environmental standards are stronger preconditions for integration than at one time European countries [9; 336].

Further, in 1995 and 1996, apart from other CIS countries, Russia, Belarus and Kazakhstan made the first attempt to form the Customs Union, but as a result of the global financial crisis of 1998, this attempt failed [6; 96].

However, this circumstance did not stop the process of integration of the states in the post-Soviet space and already in October 2000 five states - Russia, Kazakhstan, Belarus, Kyrgyzstan and Tajikistan signed the Treaty on the Establishment of the Eurasian Economic Community.

Already from the middle of the first decade of the new century, the rapid growth of energy prices made EurAsEC the most promising integration association in the post-Soviet space. Within the framework of EurAsEC have created such supranational bodies like the Eurasian Development Bank, intergovernmental Council. At the meeting last year 2007, by the way, and it was decided to complete the formation of the Customs Union between the three most economically developed States Alliance - Belarus, Kazakhstan and Rus-

sia up to the year 2011. Thus, it may be noted that the formation of the current Customs Union of Belarus, Kazakhstan and Russia is the first significant and successful event in the history of the integration processes in the post-Soviet space. This international recognition, and leadership of the President of the Republic of Kazakhstan Nursultan Abishevich Nazarbayev, who among other things, having great authority, effectively acts as a mediator in the international arena. Indeed, the settlement of the conflict between Russia and Turkey in many ways is his merit.

At the same time, one must bear in mind that the results of this activity will not be received momentarily, it is a strategic process, largely directed to the future.

As for the Economic Union, as noted by experts, its formation is much slower than the Customs Union or the Common Market. As the Economic Union develops, the prerequisites for the highest level of regional integration - the Political Union - are being created in the countries. This kind of regional integration involves the transformation of a mature single market space into a holistic economic and political organism. When moving from the Economic Union to the Political one, mutual external economic relations and the problem of international economic relations within the framework of this region cease to exist [7; 150]. So according to statistics, the countries belonging to economic blocks account for 2/3 of the world's total GDP, the bulk of international trade - about 7 trillion. And - interstate capital flows - about 0.6 trillion dollars.

However, it should be noted that, unfortunately, many interstate bodies of the countries of the Eurasian Commonwealth are still extremely amorphous. For example, the Court of the Eurasian Community has not started its activities, and the role of such a supranational organization as the Inter-Parliamentary Assembly of EuroAzEC, consisting of parliamentary delegations of member states, boils down to adopting recommendations on issues of harmonizing the national legislation of the participating states, and no more.

There are contradictions in the economic sphere, as each republic still has its own intraeconomic interests. Not yet eliminated and certain minor political contradictions. In addition, some norms of national legislation directly hamper common strategic interests. The constitutions of almost all countries of the commonwealth are directly hampered also by the implementation of international legislation. For example, Part 3 of Article 4 of the Constitution of the Republic of Kazakhstan provides for the mandatory ratification of an international treaty. There are no links to supranational law, as a result of which there is no question of the operative action of the Eurasian law, since by and large there is not yet the very concept of «Eurasian law». This circumstance, in turn, does not allow us at the present time to say that the process of integration of the EurAsEC countries takes place in the most manageable form at the supranational level, like the European Union.

For today, we can only state that the first steps have been taken to the real process of integration of the most economically developed CIS countries, which have opened great prospects for close and effective regional cooperation in all spheres of public life in the future. On this path, of course, there are certain tensions, including political, disputes and misunderstandings, but, despite this, countries are slowly following the chosen common course.

In this connection, developing the ideas and undertakings of our First President-Nation's Leader Nursultan Nazarbayev on further integration of the countries of the region, it is logical to assume that in the Basic Law of the member states of the Union, a provision on the priority role of supranational legislation may soon emerge. For example, in the following edition:

«All laws, as well as treaties adopted by the Interparliamentary Assembly of the Eurasian Economic Union in accordance with the Constitutions of the member countries of the Union, have a direct effect on the territory of the Republic, do not need ratification and take precedence over its laws, and are also provided by the power of the state».

Or other similar provisions. Naturally, in the Interparliamentary Assembly, the right of the majority cannot be enjoyed by any country in order to dictate its interests. Each participating country should be represented by an equal number of its representatives. For example, if the Russian Federation proposes some kind of supranational law, and the Republic of Kazakhstan and the Republic of Belarus votes against, then the law is considered to be unaccepted and, on the contrary.

This will create real preconditions for the subsequent stages of integration, raise the status and role of such Eurasian organizations as the EurAsEC Interparliamentary Assembly, the Court of the Eurasian Community and other supranational bodies, which will promote closer interaction among the member countries of the Union and accelerate the processes of further integration of other countries in the region. After all, in the aftermath, one can even talk about the possible formation of a single market with the European Union.

The analysis of different types of interstate unions in the post-Soviet space, the consideration of their most significant characteristics in the historical aspect will help determine the possibilities of using their legal experience in modern Eurasian integration in the light of the formation of the legal system.

Undoubtedly, this provision should be universally recognized first of all by the countries-participants of the Customs Union, and this implies carrying out a lot of work in the legal direction. However, in case of successful implementation of this practice, soon it will be possible to talk about the emergence of a new national law on the Eurasian continent.

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### Еуразиялық кеңістік елдерінің құқықтық жүйесін интеграциялаудағы мәселелері мен мүмкіндіктері

Мақалада Кедендік одақ мемлекеттерінің келешек ықтимал ынтымақтастығы қарастырылған. Бір саяси және экономикалық Еуразиялық кеңістіктің бірыңғай саяси және экономикалық жүйесін қалыптастырудағы мәселелері мен келешегі әртүрлі авторлардың көзқарастары тұрғысынан зерттелді. Сондай-ақ Еуразиялық кеңістіктегі құқық жүйесін интеграциялаудың алғышарттары, бұндағы Ресей мен Қазақстанның ролі атап өтіледі. Зерттеушілер мен тәжірибелік қызметкерлердің Еуразиялық қауымдастыққа берген бағалары келтірілген. Еуразиялық экономикалық одақ (ЕуразЭҚ) соңғы жылдары өзінің мүше-мемлекеттерінің заманауи экономикалық және саяси-құқықтық үрдісіне қатыса бастағаны көрсетілген. ЕуразЭҚ өзінің тарихи миссиясын орындап, жаңа интеграциялық құрылымға жол ашты. Одақ құру болашақ әлі де қосылатын мүше-мемлекеттер үшін тарихи мағынаға ие. Авторлар Еуразиялық экономикалық одақ көпполярлық әлемдегі басқа да ұйымдармен бәсекелесіп, ынтымақтастық құра алады деген қорытындыға келді.

*Кілт сөздер:* Еуразиялық кеңістік, құқықтық жүйе, Кеден одағы, Тәуелсіз Мемлекеттер Достастығы, еуразиялық интеграция, жаһандану, құқықтық қамтамасыз ету.

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### Проблемы и возможные перспективы интеграции правовых систем стран Евразийского пространства

В данной статье показаны возможные перспективы сотрудничества государств Таможенного союза. Рассматриваются точки зрения различных авторов на проблемы и перспективы формирования единого политического и экономического Евразийского пространства, а также перспективы интеграции правовых систем Евразийского пространства. Особо подчеркивается роль России и Казахстана. Приведены примеры оценок евразийских сообществ исследователями и практическими деятелями. Подчеркнуто, что Евразийский экономический союз за достаточно короткое время органично вписался в процессы современной экономической и политико-правовой жизни его государств-членов. Этому предшествовала огромная работа в рамках различных интеграционных структур на постсоветском

пространстве. ЕврАзЭС, выполнив свою историческую миссию, передало эстафету новому интеграционному объединению. Создание Союза имеет историческое значение для будущего его государств-членов и других стран, которые в перспективе будут к нему присоединяться. Евразийский экономический союз сможет на равных конкурировать и сотрудничать с остальными полюсами современного многополярного мира, что выводит наши страны на принципиально новый интеграционный уровень и пробуждает к жизни совершенно иную геэкономическую реальность XXI века.

*Ключевые слова:* Евразийское пространство, правовая система, Таможенный союз, Содружество Независимых Государств, Евразийская интеграция, глобализация, правовое обеспечение.

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