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**TÍTULO:** El valor económico del Derecho Privado.

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**RESUMEN:** La transición fundamental del desarrollo socioeconómico de Rusia a principios de los años 90 del siglo pasado fue acompañada por el desarrollo de la regulación del derecho privado. En este sentido, el derecho privado ha adquirido una etapa de rápido desarrollo causada por la redacción de artículos científicos, libros de texto, investigaciones de tesis y el surgimiento de disciplinas educativas relevantes en instituciones educativas superiores de Rusia y la República de Tatarstán en particular. Este documento trata la cuestión del valor económico del derecho privado en el ejemplo de la República de Tatarstán. La relevancia del estudio se debe al hecho de que el derecho privado está adquiriendo actualmente las características de necesidad en la implementación de la actividad económica en el país.

**PALABRAS CLAVES:** derecho privado, economía, regulación del derecho privado, estabilidad económica.

**TITLE:** The economic value of Private Law.

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**ABSTRACT:** The fundamental transition of the socio-economic development of Russia in the early 90s of the last century was accompanied by the development of private-law regulation. In this regard, private law has acquired a stage of rapid development caused by writing scientific papers, textbooks, dissertation research and the emergence of relevant educational disciplines at higher educational institutions of Russia and the Republic of Tatarstan in particular. This paper deals with the issue of the economic value of private law on the example of the Republic of Tatarstan. The relevance of the study is due to the fact that private law is currently acquiring the features of necessity in the implementation of economic activity in the country.

**KEY WORDS:** private law, economics, private law regulation, economic stability.

## **INTRODUCTION.**

The current stage of development of the national statehood and the strengthening of the federal structure in the Russian Federation shows that the republics, regions, territories, etc., themselves should take part in the development process of the country's subjects.

The relevance of the study of private law provision of the economy on the example of the Republic of Tatarstan is determined by many statistical factors; for example, at the end of the year 2017, statistical factors should include the leadership of the republic in many sectors (6th place in terms of GRP, 3rd place in agriculture, investment in fixed capital, industrial production and construction - 5<sup>th</sup> place) ([http://mert.tatarstan.ru/rus/file/pub/pub\\_1318323.pdf](http://mert.tatarstan.ru/rus/file/pub/pub_1318323.pdf) (accessed date: 09.06.2018)).

Most aspects in these areas are regulated through private law; therefore, research of this institution through the prism of its value is necessary and timely. Private law and its importance for the economy and economic development is expressed in the provision of a legal opportunity to perform certain economic and business activities (Gorshunov D.N., Okriashvili T.G., 2016).

## **DEVELOPMENT.**

This paper examines such blocks of economic and legal reality of the Republic of Tatarstan and the Russian Federation in the context of the importance of private law regulation, such as:

- A block of the contract system of private law regulation of economic activity.
- A block of activities of the Ministry of Economy of the Republic of Tatarstan, closely related to the private law regulation of such activities.
- A block of the relationship of private law and economics.

The question of the economic value of private law has not been addressed in the legal science till present. Nevertheless, the question of the general legal value of private law was touched upon in the works of the classics of Russian civil thought and other scholars. This problem was addressed by: Agarkov M.M., Shershenevich G.F., Cherepakhin B.B., Guseynov A.I., Gorshunov D.N., Mikheev V.N., and Manankova R.P.

The scientific novelty of this study is due to the attempt to first substantiate the importance of private law for the regulation of modern economic processes. The paper is based on the experience of the Republic of Tatarstan on economic development and private-law research in the field of economic regulation.

## **Methods.**

This scientific paper used such methods as the general scientific – dialectical method, which determined the choice of the research topic and the necessary argumentation basis for conducting a

study, general logical - analysis, synthesis, induction, deduction, private law - formal legal, comparative legal, and state-law modeling.

## **Results and Discussion.**

A number of scholars regarding discussions on the issue of economic regulation by private-law or public-law means are initially determined by what relates to private law and public law, which are enriched by economic regulation by dividing the right into private and public, and where the balance is between such regulation (Yakovlev Veniamin Fedorovich, Talapina Elvira Vladimirovna 2012).

These questions are necessary to resolve us in the course of this study, since they are the starting point for the justification of the economic value of private law.

Firstly, the public law, in the most extensive form, without debatable aspects, should include such branches as constitutional law, tax law, municipal law, criminal law, administrative law, environmental law, and financial law. Private law traditionally refers to its “backbone” - civil law, as well as those sectors that are inseparable from the Romano-Germanic legal family - family law, land law, and labor law.

Secondly, the division of the law into private and public in a market economy not only enriches the regulation of economic processes by large legal planning with respect to planning, but is a necessity accompanying the market, due to various reasons - the emergence of private property, legal relations between the subjects of use rights, possession and disposal of property benefits, etc.

Third, we consider it necessary to consider the balance in the regulation of the economy by public law and private law means in various aspects - both historical and formal legal.

In a historical sense, the balance of public law and private law regulation of the economy was absent in Russia (tsarist, Soviet, federal). However, for the past two decades there has been a gradual, not unsuccessful search for such an equilibrium that will allow more efficiently regulate

and manage the economic processes in the country and its subjects. The lack of balance between private and public in Soviet Russia is due to the planned economy, and in the “new” Russia of the end of the last century, the role of business came to the fore, as exemplified by such a phenomenon as “seven bankers” (Doinikov I.V., 2013).

In the formal legal sense, in our opinion, a methodological approach to the categorical apparatus is necessary. There is a problem regarding the use of the same term in different ways in public or private law; for example, the dispute about the concepts of "structure", "building" and "construction", which existed in the middle of this decade (Naumov E.L., 2015). Thus, the starting point in the study of the economic value of private law is over, therefore it is necessary to go directly to the description of the subject of the paper.

The first block, which we would like to cover, is devoted to the system of contracts for private-law regulation of economic activity. In the science of business law - an integrated branch of law - there is such a concept as an entrepreneurial contract (Sheliutto M.L. 2008), which is understood as an agreement on the establishment, amendment or termination of rights and obligations concluded on a reimbursable basis in order to carry out business activities by the parties (one of the parties) or to ensure state or municipal needs. These contracts are usually classified based on the following reasons:

- On subject composition:

- a) The entrepreneur-entrepreneur relationship (for example, a contracting agreement, a supply agreement).
- b) Agreements where one of the parties is a public law entity (for example, the supply of goods for state and municipal needs).
- c) The entrepreneur-consumer relationship (for example, a retail purchase agreement).

- On the nature of entrepreneurial activity:

- a) Implementation of something (for example, a supply contract, a contract of sale).
- b) Transfer of property for use (for example, a company lease agreement).
- c) Performance of work (for example, a contractor agreement).
- d) The provision of services (for example, a contract of compensated provision of services).
- e) Other agreements not included in the groups of agreements above.

The result of the study of this block is that the private-law regulation of economic processes is a significant part, expressed by the volume of contracts that are classified for various reasons and constitute an integral link in the legal regulation of the economy.

The second block of this study is devoted to the activities of the Ministry of Economy of the Republic of Tatarstan (hereinafter - the Ministry of Economy of the Republic of Tatarstan), which is closely related to the private law regulation of such activities.

The Ministry of Economy of the Republic of Tatarstan is engaged in activities in the field of business support, which is expressed in the functioning of the Department for the Development of Business and Competition within the structure of this authority, which includes:

- The competition and entrepreneurship analysis department.
- The department of infrastructure development of small and medium-sized enterprises.
- The department of development of small and medium-sized businesses support institutions.

The role of the Ministry of Economy of the Republic of Tatarstan in support of entrepreneurship is significant on the basis of the list of powers in this area, which include, for example:

- Carrying out an examination and making proposals on draft normative legal acts affecting issues of small and medium-sized businesses.
- Participation in the development and implementation of government measures to eliminate unjustified administrative barriers to the development of entrepreneurship.

- Formation of proposals and participation in the performance of work on the involvement of small and medium-sized businesses in industrial production based on interaction with large industrial enterprises using cluster approaches, subcontracting systems, modern methods of promoting goods and services.

The Ministry of Economy of the Republic of Tatarstan does not directly deal with the private-law regulation of economic processes at the republican level, but the exercise of authority in this area as a whole, as well as those mentioned above, which are most interesting in the context of this study, gives rise to the importance and simplification of economic regulation by private law. In this sense, it is the essence of the interrelation of powers of the Ministry of Economy of the Republic of Tatarstan and private-law regulation of the economy.

From the previous paragraph follows the third block of this scientific article, which deals with issues of the relationship of private law and economy. In our opinion, the relationship of economy and private law is expressed by the following features:

- “Flexibility” of private-law regulation of the economy contributes to the development of both industries, which allows avoiding their stagnation, and as a result of the crisis in the state.
- Regulation of private property relations between legal entities.
- Regulation of relations in the turnover of goods, works, services.
- Economic realities as a basis form the rules in the field of private law.
- The emergence of new for the Russian legal system branches of law, legislation and science (for example, business law, at the same time there is a discussion about energy law, as an integrated branch of law).
- The daily use of private law by the subjects of the law, which is a certain sign of involvement in economic processes.

- Development of the institution of private law liability, as a consequence of the development of economic processes that require the efficiency of problem solving.

- Public legal entities are able to act as subjects of private law relations.

Thus, the relationship of private law and economy is due to many aspects, which is why there is a clear understanding of the value of private law in this aspect.

In summary, as a result of this study, we will draw some aspects:

1. Regulation of economic processes requires a balance of public law and private law regulation.

2. The boundary between public and private law is a “floating” matter.

3. The need for state interest in the development of small and medium-sized businesses is a prerequisite for the sustainable development of the state. A vivid example in this area is the Republic of Tatarstan.

4. The interrelation of economy and private law gives rise to the emergence of new branches of law, legislation and science.

5. The private-law regulation of economic processes is a significant part, expressed by the volume of contracts that are classified for various reasons and constitute an integral link in the legal regulation of the economy.

## **CONCLUSIONS.**

This paper presents a study of the economic value of private law. The work is of an institutional nature; therefore, it will be useful both to experts in jurisprudence and in economics.

The reality of the Russian Federation necessitates conducting research in this direction, since market relations and their private law regulation are not in the reference state.

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