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INFLUENCE OF MANDATORY REGULATIONS ON THE STATUTE OF CONTRACTUAL OBLIGATIONS

The article highlights the nature of the impact of mandatory regulations on the content and scope of the statute of contractual obligations. It is noted that the content of the contractual obligation is determined not only by contractual statute, but also by the general principles of conflict of private law relations, in particular mandatory regulations. Therefore, the legal regulation of contractual obligations exceeds the limits the contractual statute.

The author identifies and analyzes three groups of cases concerning respectively: mandatory rules of contract statute, mandatory regulation of the state of the forum and mandatory provisions of law of third state.

These types of mandatory regulations have different reasons and motives of their application. Thus, the use of mandatory regulations of law, defined as ap-

plicable, should be considered as part of the contractual status. The application of mandatory requirements of forum law is determined by the constitutional duty of the court to apply its national law. The ability to use mandatory rules of third countries is a breakthrough in the classic mechanism of conflict regulation. It results in crucial moment in choice of law made by the parties or even set on the basis of objective bindings.

In summary it can be stated that in the definition of contractual statute mandatory rules come to the fore in respect of their own scope of application, content and extent of which is implied by objective, which these legal regulations serve to, without specification of the nature of legal relationships for which they should be applied. Thus, the use of these regulators should be considered as, so to speak, an interference from outside of contractual status.