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**INTERNATIONAL LAW IN THE GLOBALIZATION  
OF INTERNATIONAL RELATIONS**

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Over the centuries of economic, social and cultural domination, great powers have influenced the less developed in various ways, which, in turn, depended on the circumstances of a particular era. This influence was carried out through colonization, internationalization, integration, cooperation, but the concept of "globalization" is the most relevant and comprehensive in our time: it contributes to a more generalized understanding of the nature of modern actors in the international community, there is the highest stage of integration. Conceptually, the term "globalization" can cover a wide range of spheres: economic, social, cultural.

The new geopolitical restructuring of the world after the end of the Cold War with the fall of the Soviet bloc, the opening of the economy with the exchange of goods, goods and services and the liberation of capital markets,

as well as the revolution in information and communication technologies have made it possible to connect all parts of the world in real time [3, c. 21].

In addition, concepts such as globalization, cooperation and integration have recently been closely related. Actual processes of economic integration are a specific result of the existence of an economic model, contribute to the convergence of the economies of different states through the introduction of agreements on a free trade zone, preferential agreements, and agreements on cooperation and economic complementarity [2, c. 71]. Thanks to the listed normative legal acts, the states have achieved a normative concretization of mutual economic relations.

The expansion of the democratic order, that is, the protection of human rights, is largely carried out by international conventions on human rights, which practically establish the harmonization of national legislation in this area at the global level. By far the most important international legal instrument in this area is the Universal Declaration of Human Rights, adopted by the United Nations Assembly as Resolution 217 in 1948, which laid the foundations for the modern human rights system.

Globalization can be studied as a complex, contradictory process of interaction between national and international, local and global factors that contribute to the formation of a new type of society based on multicultural diversity.

Today, research on legal globalization is focused on the following areas of international protection of human rights, crimes against humanity, formation and regulation of global markets, institutionalization of women's rights, international legal protection of the environment, dissemination and promotion of ideas of political liberalism and constitutionalism.

Globalization, including legal, is not something imposed from the outside. It is a consequence of the objective development of society, the result of the coincidence of structural and discursive elements of a social and legal nature. The point is that in the second half of the twentieth century, the role of international governmental and non-governmental organizations involved in the regulation of political and economic relations of an international nature (for example, the UN, the IMF) began to increase [1, c. 328]. This regulation has contributed to the gradual, sequential accumulation of an array of norms, institutions and practices that go beyond national boundaries.

In the context of legal globalization, international organizations act not only as a means of international legal regulation, but also as one of the most significant subjects of lawmaking. It is the activities of international organizations that contribute to filling national law with international legal standards, which contributes to the convergence of legal systems. As a

result, in the national law of most states, international norms are presented that establish at least minimum standards of state behavior in relation to its citizens, as well as to the state's activities in the international arena.

The perception of law as a way of harmonizing law involves the transfer of certain legal norms, decisions and institutions from one legal system or international law to another legal system or culture, or the transfer of the entire legal system from one culture to another. This phenomenon is also referred to in the legal literature as the terms "legal transplantation", "legal acculturation" and others [4, c. 65].

The limits of legal regulation in the context of globalization are not limited to national frameworks. There are also new areas of legal regulation with an international component (for example, freedom of information, information security, countering terrorism, financial crime).

The role of the dispositive method of legal regulation in relation to the imperative one is also growing, there is an expansion of the scope of application of private law in relation to public law. This is due to the development of market relations and the activities of transnational corporations. In the economic sphere, we see the globalization of markets, in which international corporations are interested and on which their business practices are oriented. This gives an impetus to the development of international trade law, which allows interested parties to determine mutual rights and obligations within the framework of the agreement, and, if necessary, resolve emerging disputes, without resorting to the assistance of the state, but using the mechanisms of non-governmental arbitration [4, c. 70].

The development of modern society is carried out in the context of globalization, affecting the most diverse spheres of social life. Globalization is shaping a new social order based on basic values and principles recognized by the international community. One of the manifestations of the processes of globalization is legal globalization, which is characterized by the strengthening of the role of international law, penetrating into national law. In addition to national and international law, legal regulation is complemented by transnational law arising from the activities of transnational corporations. Thus, the globalization of law leads to a change in the positions of national law, prompting it to transform in accordance with the development trends of international and transnational law.

The globalization of law contains a huge positive potential, as it contributes to the universalization of the legal life of society, makes the forms of international economic activity (including international trade) understandable and predictable, and contributes to the formation of mechanisms of non-governmental arbitration. At the same time, one should be aware that the processes of legal globalization also contain a potential for

conflict. The more globalization affects the prevailing local norms, customs and practices, the greater the likelihood of social conflicts, which may even lead to a change in political regimes.

#### References:

1. Antonini L. Globalizzazione e nuove sfide del costituzionalismo. *Diritto pubblico*. 2019. T. 25, №. 2. P. 319–340.
2. Coppelli Ortiz G. La globalización económica del siglo XXI. Entre la mundialización y la desglobalización. *Estudios internacionales (Santiago)*. 2018. T. 50, №. 191. P. 57–80.
3. Rayón Ballesteros M. C. La globalización: su impacto en el estado-nación y en el derecho. *Revista Jurídica Derecho*. 2018. T. 7, №. 8. P. 19–37.
4. Saskia S. The State and Globalization 1. *The Third Way Transformation of Social Democracy*. Routledge, 2017. P. 59–72.

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## ДОГОВІРНІ ЗАСАДИ ТРАНСФЕРУ ТЕХНОЛОГІЙ У СФЕРІ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ

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Трансфер технології – передача технології, що оформляється шляхом укладення між фізичними та/або юридичними особами двостороннього або багатостороннього договору, яким установлюються, змінюються або припиняються майнові права та обов'язки щодо технології та/або її складових (підпункт 13 пункту 1 ст 1 ЗУ «Про державне регулювання діяльності у сфері трансферу технологій»).

Сторони трансферу технологій взаємодіють між собою шляхом створення технологій та/або їх складових; обміну досвідом та інформацією про наукові досягнення; проведення консультацій з науково-технічної питань щодо складових технології та методів їх застосування; укладення інших договорів у сфері трансферу технологій відповідно до законодавства.