

Название публикации:

Disclaimer of public policy in transboundary bankruptcy

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Аннотация:

The studies carried out within the framework of this article allow us to conclude that legal relations arising in the sphere of transboundary bankruptcy are elements of the state public policy and clause on public policy is applied to them. Therefore, the clause on public policy in case of transboundary bankruptcy can be used in exceptional circumstances concerning the fundamental values of society, taking into account legal principles in force in the field of bankruptcy. It is proved that while considering the issue of public policy clause application, the result of the possible public policy violation, but not the reasons underlying it, is subject to assessment.

Ключевые слова:

"negative" public policy theory, "positive" public policy theory, Internal public policy, International public policy, Public policy, Public policy clause, Transboundary bankruptcy (insolvency)