



» [2].

. 239 . 7 2005 .

: «

. 1 . 239

- «

. 1,

. 1 . 239

. 239

2002 ..

( - )

. 251,

. 1

: «

» [3].

. 239

»,

- «

»,

. 239

( - )

« »

2

2005 . 31 «

»,

: «

( )

» [4].

21 «

30 2011 .

» . 10

. 1 . 239: «  
( ) ,

» [5].

. 239 ,

: «

( . 1 . 239)

» [6, . 20].

. 1 . 239

[7, . 113].

8 1999 ., . 321,

. 3 . 321

( . 4 . 321).

2005 . . 239

. 1 . 239

. 239

. 1 . 239

. 239

1. / . . . , . . . , . . . . - : , 2005. - 834 .
2. [ ]: 15 . 1998 . , 219-3 : 11 . 1998 . : . 26 . 1998 . : . 11.07.2014 . // / « », . 3. 24 2002 . , 95- [ ]// . / « ».- ., 2014.
4. : 2 . 2005 . 31 // . . - 2006. - 21. - 6/473.
5. [ ] : 31 2011 . 21 // . / « », . . - , 2014.
6. , . . : . 1-24 01 02 « », 1-24 01 03 « », 1-24 01 01 « » / . . , . . . - : , 2009. - 58 .
7. , . . / . . . - : , , 2008. - 360 .

16.12.14.

The article deals with the regulation of foreign state immunity in civil and legal relations in the legislation of the Republic of Belarus. It is noted that there are contradictions in the regulation of immunity of a foreign State between the art. 553 of the Code of Civil Procedure and art.239 of the Economic Procedure Code. The article 553 of the Code of Civil Procedure based on the theory of absolute immunity of a foreign state, while the first sentence of the art. 239 of the Economic Procedure Code contains the phrase "a foreign country that acts as a sovereign", which gives reason to conclude about the transition of the Belarusian lawmakers to the theory of functional immunity. In general, the legislation of the Republic of Belarus based on the theory of absolute state immunity, which is confirmed by the Labour Code, which according to the art. 321 are not allowed to sue a foreign state of the labor dispute. The purpose of the article is the study regulatory immunity of foreign states from the perspective of its compliance with the theory of absolute state immunity. The scientific novelty of the proposal is to eliminate the contradiction between the art. 553 of the Code of Civil Procedure and art. 239 of the Economic Procedure Code in the issue of the immunity of a foreign state. The article can be used in the preparation of the Law on the immunity of a foreign state, the adoption of which is provided for the art. 127 of the Civil Code of the Republic of Belarus.

**Keywords:** state, immunity, theory of absolute immunity, theory of functional immunity.

