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## TRENDS IN THE DEVELOPMENT OF THE PRINCIPLE OF FREEDOM OF CONTRACT

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### ABSTRACT

The present study is aimed at highlighting the main substantive aspects of the principle of freedom of contract in Russia and some foreign countries to compare the modern directions of its development. Methods: general (philosophical), general scientific, private scientific (including special-legal) methods of cognition: dialectical, logical, concrete-historical, comparative-legal, and formal-legal. The authors show that the principle of freedom of contract has received fragmentary consolidation in foreign countries, in comparison with the Civil Code of the Russian Federation. Therewith, all legal systems are characterized by the recognition of the value of this principle for the development of private law. The article substantiates that the effective implementation of the principle of freedom of contract in Russia can be carried out through an expansive interpretation of the content side of the elements of the principle under study and ensuring balanced and economically determined boundaries of contractual autonomy of the parties to contractual relations. The necessity to include in the freedom of choice of the counterparty, including the algorithm of the selection procedure, has been justified. Attention has been drawn to the functional purpose of unnamed contracts. It has been concluded that excessive legalization of contractual structures does not contribute to the development of contractual autonomy.

**Keywords:** freedom of contract; private law; law and order; society; market relations.