

**ПРАВО**

**Human rights in the modern world their normative fixation and development perspectives**

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**Մարդու իրավունքները ժամանակակից աշխարհում, դրանց նորմատիվ ամրագրումը և զարգացման հեռանկարները**

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**Անփոփագիր.** Սույն գիտական հոդվածը նվիրված է 21-րդ դարում ամենարդիական թեմաներից մեկին՝ մարդու իրավունքների միջազգային պաշտպանությանը նոր ձևավորվող իրավահամակարգում, այն է՝ աշխարհի գլոբալիզացման դարաշրջանում: Հասարակության գործունեության սոցիալական և իրավական պայմանները փոփոխական են, ինչը, իր հերթին, հանգեցնում է մարդու իրավունքների և ազատությունների վերափոխմանը, դրանց իրականացման պայմանների փոփոխությանը, դրանց բովանդակության ավելացմանը: Նոր տնտեսական, քաղաքական, էթիկական, աշխարհաքաղաքական, սոցիալական պայմանները որոշել են մարդու իրավունքների և ազատությունների ժամանակակից հայեցակարգը, որը էապես տարբերվում է սկզբնական բովանդակությունից՝ պահպանելով հումանիզմի, ժողովրդավարության հիմնական արժեքները՝ անձին տալով պետության իրավական համակարգի կառավարման մեջ առանցքային նշանակություն: Սույն թեմայի ընտրության կարևորությունը և նշանակությունը պայմանավորված է ՄԻՄԻ կարեւորությամբ, փոփոխվող ու զարգացող նոր աշխարհում դրանց արդյունավետ պաշտպանության միջոցների հայտնաբերմամբ:

**Հանգուցաբառեր՝** Մարդու իրավունքների միջազգային իրավունք, գլոբալիզացիա, հիմնարար իրավունքներ, քաղաքակրթությունների բախում

**Права человека в современном мире, их нормативное закрепление и перспективы развития**

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**Аннотация.** Данная научная статья посвящена одной из самых современных тем в 21 веке, формирующейся правовой системе защиты международных прав человек в эпоху глобализации. Социальные и правовые условия деятельности общества изменчивы, что, в свою очередь, приводит к трансформации прав и свобод человека, изменению условий их реализации, увеличению их содержания. Новые экономические, политические, этнические, геополитические и социальные условия определили современную концепцию прав и свобод человека, которая существенно отличается от первоначального содержания, сохраняя основные ценности человечности и демократии, отводя человеку ключевую роль в управлении правовой системой государства. Важность и значимость выбора этой темы обусловлена важностью международного права прав человека, открытием их эффективных средств защиты в меняющемся и развивающемся мире.

**Ключевые слова:** Международное право прав человека, Глобализация, Основные права, Столкновение цивилизаций

World experience shows that the issue of human rights is gaining special importance in the critical stages of human development. This circumstance is conditioned by a number of international-national reasons, which reflect the natural nature of the growing significance of the

growing role of individual rights and freedoms in the history of mankind.

The twentieth century was marked by the scale and intensity of integration processes around the world, the deepening of contacts and ties between different civilizations, countries and peoples. This was the age of insight, of the realization of the value

of one person by all mankind, as a possible component of the whole, the age of turning to the ideals of humanism. It was in the second half of the XX century. Humanism crossed the barriers of class, national, religious, political, geographical was recognized as a universal philosophy. The ideals of humanism were embodied in the norms of international law, and respect for human rights and freedoms became a principle of international relations. The whole Helsinki process, including the final act of the 1975 European Security and Cooperation Conference, is built on the postulate that international relations must include a "human dimension", that is, be beneficial at the level of a particular person's relationship.

Personal freedom, favorable material conditions, the possibility of creative self-affirmation, the existence of rights - these other components of the "human plane" make it the main criterion for assessing the progress of the state. However, this idea is not new, in the beginning of the XX century B. A. Kistyakovsky argued that "along with civil-political rights, social rights should be placed, as well as freedom from state interference in certain spheres of private and public life, the right to participate in the organization and direction of state activities, the right. "Every citizen should be required by the state to provide him with normal conditions of sound economic existence." [1, p. 490].

The human dimension was initially perceived as the political framework of a common state-individual relationship, later including support for the development of the rule of law and the establishment of democratic institutions. All this reflects the process of formation of humanity as a new socio-historical community of people. It is obvious that the world has passed to a qualitatively different state, to a state of integrity and interdependence. No significant event on earth today has left its mark on human society. These integration tendencies permeate all spheres of public life: economic, scientific-technical, political, social, cultural-humanitarian.

International cooperation in the field of human rights requires the international community to have a deep understanding of the essence of human rights: in the development of the individual, society and humanity, as well as the search for methods of their reliability and ways. In any state, human rights are given a legal form, they act as a universal measure of human and civil liberty and responsibility.

Globalization is associated with the formation of a single political space, as a result of which there is a voluntary or forced reduction of state sovereignty, the perception of the world as a

common space grows, as well as a number of other processes.

Often the concept of globalization includes the concept of a unifying and integrating earthly civilization that transcends different boundaries, be it the boundaries of cultures, states, or social inequalities. However, globalization also has its downsides.

These include:

- 1) Uncontrolled population growth
- 2) socio-economic and cultural development backwardness;
- 3) The problem of education (continuous increase in the number of illiterates)
- 4) Lagging behind the development of the healthcare system and Getting out of control of a number of mass diseases;
- 5) protection of the military threat, increase of the threat.

The process of globalization and factors related to it have a direct impact on human rights. The human rights that arose during the preparation and implementation of the bourgeois revolutions were aimed at combating class restrictions for the sake of equality and justice within the country. As they evolved beyond the borders of individual countries, under the influence of world processes, they acquired universal significance for the destiny of all mankind. The unresolved issues in the field of human rights and freedoms, which became the main democratic demands of the 19<sup>th</sup> century, were enshrined in the fundamental international acts of the 20<sup>th</sup> century, first of all, in the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December. The preamble to this document states that the creation of a world free from fear and need requires legislative consolidation, protection of rights and freedoms, and the first paragraph states: "People are born free and equal in dignity and rights. They are all endowed with intelligence and conscience ..."

The Universal Declaration of Human Rights, the International Covenant on Human Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms have established a comprehensive set of fundamental rights and freedoms. Moreover, not only as a criterion to which all states should strive, but also as the legal obligations of the signatories to these further agreements. Today, as never before, there is an integration of international domestic law in the field of human rights, their mutual penetration and growing influence on each other. This is evidenced, in particular, by the fact that the above-mentioned international treaties, as well as a number of other treaties, in accordance with Article 4 of Art. 15 and

Art. Article 17 of the Constitution of the Russian Federation, an integral part of its legal system.

International norms of human rights and freedoms have acquired a special status and are at the level of constitutional norms in the hierarchy of Russian sources of law.

It is now customary to call all international norms in the field of individual rights and freedoms international standards. This term includes a wide variety of norms, such as the rules of international treaties, resolutions of international organizations, political agreements such as the Helsinki Final Act, the Vienna and Copenhagen Meeting Documents and international customs. Studies show that at least 90 national constitutions adopted after 1948 contain a list of fundamental rights that either reproduce the provisions of the Universal Declaration or are included under its influence. However, practice shows that traditional law often resists modern innovations, that the transfer of rights is often illusory due to the peculiarities of the so-called "Traditional Cultures" [2, p. 185].

Assessing the development trends of human rights pointed out at the end of the 20th century, it is necessary to pay close attention to the relationship between European "universal" standards - tradition, culture of other civilizations, religion, as it is a direct path to the establishment of European norms. Many scholars are strongly opposed to the theory of "universalization" of human rights, which is supposed to apply equally to the entire population of the planet. This is the same illusion as the possibility of definitively interpreting the ideas of the "good". The attempt to unify the concept of human rights speaks only of the immaturity of our planetary civilization, or, to be more precise, of the lack of understanding of the general process of self-organization that determines the development of civilizations and society.

Indeed, the global standardization of human rights is practically impossible because it does not take into account the nature of the civilization in which man was brought up, the thousands of

generations who adapted their rules of life to certain conditions [3, p. 38; 4, p. p. 104–109].

At the same time, in recent years, the notion has developed that human rights and freedoms are a universal complex, a system of rights. Thus, the Vienna Declaration Action Plan, adopted at the 1993 World Conference on Human Rights, unequivocally states: "All human rights are universal, indivisible, interconnected, interconnected." "The international community must treat human rights on a global, equitable, equal basis, with the same approach and attention".

Of course, the list of human rights contained in international legal documents is of universal human significance, but it is impossible not to take into account the differences in the history, culture and traditions of different peoples of the world, which seek to preserve their identity. Therefore, when assessing the dynamism of human rights in the modern world, two contradictory tendencies must be taken into account. European standards, on the other hand. Both of these tendencies will be further developed in the 21<sup>st</sup> century and they are pregnant with the possibility of a "clash of civilizations".

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