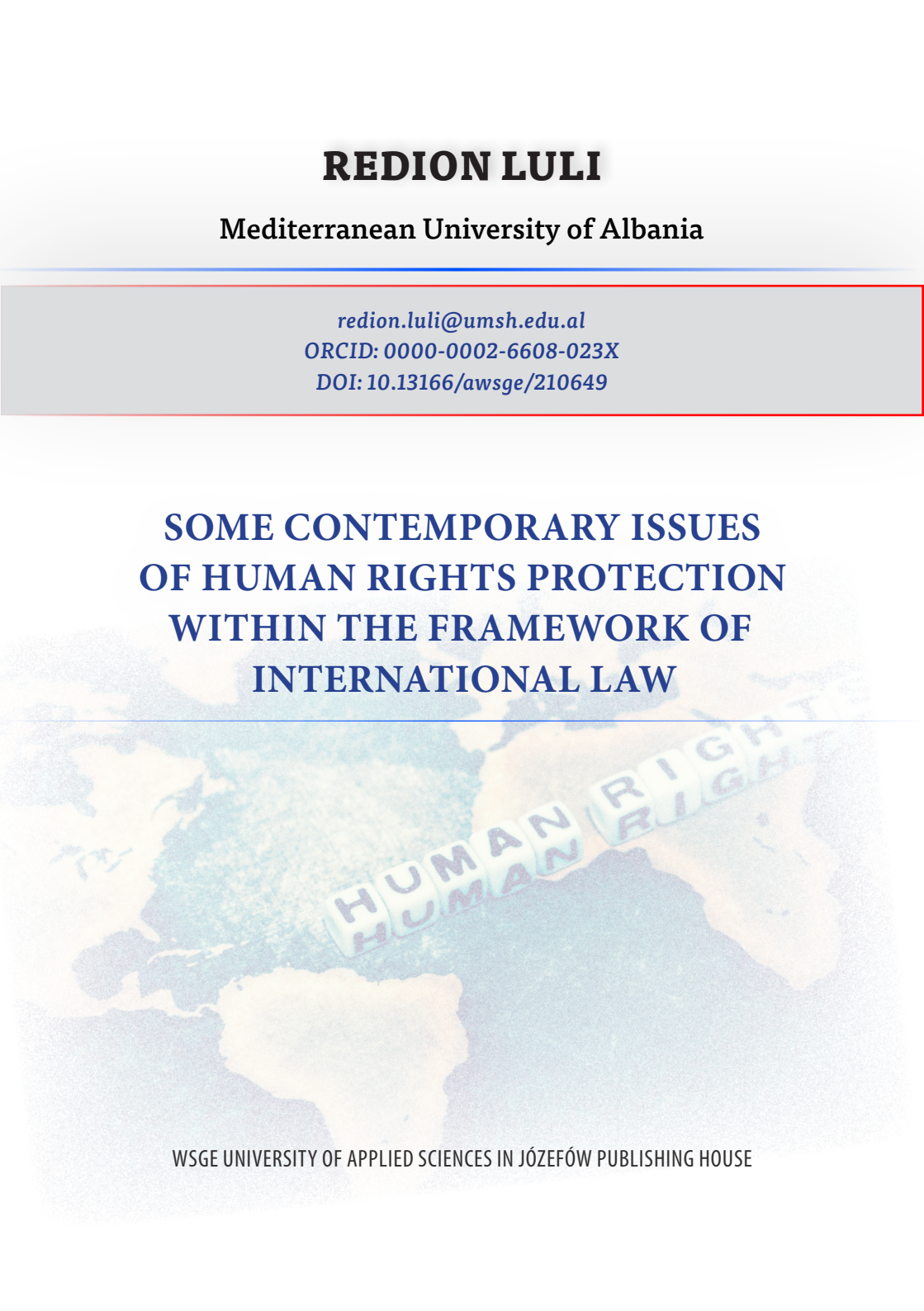
REDION LULI

Mediterranean University of Albania

redion.luli@umsh.edu.al
ORCID: 0000-0002-6608-023X
DOI: 10.13166/awsge/210649

SOME CONTEMPORARY ISSUES OF HUMAN RIGHTS PROTECTION WITHIN THE FRAMEWORK OF INTERNATIONAL LAW



WSGE UNIVERSITY OF APPLIED SCIENCES IN JÓZEFÓW PUBLISHING HOUSE

Abstract

The problem of the implementation of human rights in the modern world, proposed for consideration in the article, is actualized by the need to clarify the reasons why in the modern world the attitude towards human rights and their observance has not become dominant, why the authorities in many countries of the world, publicly presenting themselves as supporters of human rights, in fact oppose its implementation in real life and what are the difficulties of monitoring the observance of human rights? The researcher's work resulted in the conclusion that, firstly, the attitude towards human rights in the modern world has become contradictory, since the authorities are dominated by the idea that human rights activities do not contribute to maintaining stability in society, and ordinary citizens do not believe in the real possibility of protecting their rights from the state; secondly, positivist positions dominate in the legal environment, according to which state structures have a monopoly on the creation of legal norms and claim the exclusivity of their position in the legal field; thirdly, positive law is often accompanied by an imitation of human rights, which is most characteristic of states with authoritarian political systems; fourthly, authoritarian power turns to the imitation of human rights in order to save face and its status as a formally democratic state; fifthly, human rights are not recognized by all states in the world: they have become universal or almost universal for the countries of the Western world with its guarantees of rights and freedoms, individualistic worldview, while in countries of Islamic traditions and culture a direct ban was imposed, which is a consequence of the manifestation of the basic values of Eastern civilization; sixthly, under the influence of Euroscepticism, which prevailed after the Eurozone crisis in 2013–2014, constitutional modernization was replaced by systemic retraditionalization, as a result of which the concept of human rights was subject to adjustment, which was expressed in a conflict of theoretical ideas, norms and political practices.

Keywords: *Universality of human rights, positive law, imitation of human rights, transitional justice, constitutional retraditionalization*

INTRODUCTION

Today, when some people think the world is in the throes of a new *cold* war, while others think it is blazing, it seems that this is not the time to talk about human rights, much less about monitoring their observance. Both sides are united by the conviction that everything is irretrievably lost. The author of these lines, on the contrary, is sure that it is precisely human rights that we should talk about today. Because the confrontation or, more precisely, the rivalry of the powers that be that is taking place before our eyes is the result of the trampling of human rights. Human rights, for example, to peace, i.e. life without war, which in UN documents *was originally proclaimed as the right to a peaceful life*[1] or as *the collective right of peoples*[2]. And today it is well known that *disregard and contempt for human rights have led to barbaric acts that outrage the conscience of humanity*[3].

It follows that there is a direct connection between the state's respect for human rights and its foreign policy. The beginning of wars and the violation of international law are usually preceded by gross encroachments by the state on the rights of its own citizens. There are many examples of such interdependence. This is exactly what happened in Nazi Germany on the eve of the attack on the USSR. This scenario was repeated in other states that began more aggressive wars and annexed foreign territories.

Human rights denote *the transition from understanding law as the right of power, an exclusively forceful phenomenon, a purely power-state formation, to understanding it as an independent and highly significant social*

[1] UN Declaration on the Right to Peace (A/RES/71/189, 2016).
[2] Umnova I. A. Pravo mira [Law of Peace]. Moscow: Èksmo, 2010, 448 p. (In Russ.).
[3] Universal Declaration of Human Rights. URL: https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf .

phenomenon – a refuge from tyranny, an institution of free self-affirmation of man, freedom and creative activity of people[4].

This is precisely why in the modern world, especially in its post-communist part, the attitude towards human rights is predominantly indifferent, since for the authorities they always represent an unbearable burden to live in the interests of the common man, to take care of him, and for the common man this is an unrealizable dream and, as it seems to him, a waste of time, since these are only beautiful words about rights and freedoms.

Within the framework of the proposed article, the author pursues the following objectives. First, to find out why the attitude towards human rights and their observance has not become dominant in the modern world? Second, to understand why the authorities in many countries of the world, publicly presenting themselves as supporters of human rights, in fact oppose its implementation in real life? Third, to understand what are the difficulties of monitoring the observance of human rights?

In 2025, it will be 77 years since the adoption of the UN Universal Declaration of Human Rights, and during this long period of time it has been supplemented with a significant number of amendments and additions, which should have turned it into an effective instrument ensuring the triumph of human rights. However, this did not happen. According to the expert of the Council of Europe and the UN Development Program, member of the board of the European Institute of Ombudsmen, Professor A. Yu. Sungurov, the UN initially had options for perceiving the Declaration of Human Rights – either to respect it or to consider it some kind of temporary agreement[5]. The value portrait of the employees of this generally authoritative organization turned out to be as follows: half of the officials of the world organization, as it turned

[4] Alekseev S. S. O prave i pravakh cheloveka v zhizni sovremennogo obshchestva [On law and human rights in the life of modern society]. Slovar'-spravochnik po pravam cheloveka: osnovnye ponyatiya i instituty = Dictionary-reference book on human rights: basic concepts and institutions, Moskow, 2006, 468 p. (In Russ.).

[5] Sungurov A. Yu. Nado perezapustit' *liberal'nuyu povestku*. Kommersant = daily Kommersant, 2018, January, 22. Available at: https://www.kommersant.ru/doc/3513073 (accessed 14.05.2025). (In Russ.).

out, believe in the existence of human rights and promote their implementation. The other half proceeds from the fact that the UN is a platform for coordinating the interests of states, which does not have an *ideal value.*

The existence of such a situation indicates that a significant part of lawyers adhere to a positivist position and perceive law as a certain set of laws in force in the country, i.e. actually applied in legal practice. The rest is perceived as *metaphysics* existing in some parallel worlds.

Having spread in the late 19th century in the legal sphere of Western Europe, this direction in the theory of law, in addition to positive, was called positive, objective and even official law. The French sociologist A. Comte, who stood at the origins of positivism, was convinced that science should study only positive phenomena in the life of society. In other words, the subject of its study is everything that is accessible to empirical observation and analysis[6]. The formal certainty of positive law comes from *such an 'axiom' of positivism that state structures have a monopoly on the creation of legal norms* and thus claims the exclusivity of its position in the legal field.

In addition, there is another approach – utilitarian, adjacent to positivism and owing its birth to the English philosopher and moralist I. Bentham, who proceeded from the fact that the dominant factors in human behavior are pain and pleasure. They are in direct proportion to each other: by reducing pain, one can increase pleasure and, ultimately, achieve happiness. In accordance with Bentham's ideas, the classic formula of utilitarianism was the slogan: the greatest happiness for the greatest number of people. In essence, Bentham, who categorically rejected natural law, involuntarily approached one of the most important provisions of natural law – the right to equality[7].

Thus, positivism, with all its apparent realism, closely related to utilitarianism, is a dangerous phenomenon, which was noted by the Russian pre-revolutionary legal scholar L. I. Petrazhitsky. The founder of the psychological theory

[6] A. Comte. A General View of Positivism. https://platypus1917.org/wp-content/uploads/Cambridge-Library-Collection-Religion-Auguste-Comte-A-General-View-of-Positivism-Cambridge-University-Press-2009.pdf .
[7] Hart, H. L. A. (1955). *Bentham on Legal Rights,* Mind**,** 64(254), pp. 30–45.

of law distinguished between positive law and intuitive law. He attributed to the first group the law based on external factors of coercion in relation to the human psyche (the monarch, God, the state, public organizations).The second is the law based on the inner conviction of a person in the imperative-legal nature of certain emotions[8]. L. I. Petrazhitsky was convinced that these varieties of law can and should come to an agreement. If this turned out to be impossible, then, as historical practice showed, positive law itself degraded, and accordingly, the state was subject to destruction.

There are examples related to positive law of a more unsightly nature. Thus, the German philosopher Carl Schmitt, who grew up on the ideas of positivism and was the most famous theorist in the field of politics of the Weimar Republic in Germany, argued that in a complex critical situation, the ruler, without regard to any laws, has the right to adopt any laws, based on considerations of maintaining order and preserving stability. Of course, Schmitt proceeded from the real concrete situation that had developed in Germany before and after the Bavarian Revolution of 1918, and believed that his theory of strong power was extremely necessary for a country that found itself on the brink of an abyss. Thus, he voluntarily or involuntarily turned out to be a staunch supporter of decisive measures in a situation of acute crisis, which, as it seemed to him, was undoubtedly better than fruitless discussions, regardless of where they took place: in parliament or in the government, between different levels of power[9]. Therefore, the development of the concept of legal decisionism, or sovereign adoption of political and legal decisions on behalf of the state, became the basic tenet of C. Schmitt's theory of power. From these concepts of authoritarian behavior in emergency situations to joining the National Socialist Party after Hitler came to power, was only one step. And it was done, although later Schmitt himself justified himself, saying

[8] Alekseev S. S. O prave i pravakh cheloveka v zhizni sovremennogo obshchestva [On law and human rights in the life of modern society]. Slovar'-spravochnik po pravam cheloveka: osnovnye ponyatiya i instituty = Dictionary-reference book on human rights: basic concepts and institutions, Moskow, 2006, 468 p. (In Russ.).
[9] C. Shmitt. The Crisis of Parliamentary Democracy. The MIT Press, 1988. ISBN: 9780262691260. 184 pp.

that he *drank this infection without being poisoned*, however, he undoubtedly had a connection to the Nazi trampling of law from the standpoint of positivism and its use in the interests of one of the sinister totalitarian regimes.

It seems appropriate, in this case, to refer to the authoritative opinion of the creators of the *Handbook of Human Rights,* who believe that *positive law imposes a certain religion (ideology) on society as the dominant one, justifying the humiliated position of man. Dissent is harshly suppressed with the help of criminal law. The mechanism of the administrative state is used to suppress human rights*[10], which often resorts to the norms of positive law as a means of imitating human rights.

Of course, it is not only the positivist approach to law that is a serious barrier to the establishment of human rights in the world. Human rights are not recognized by all states in the world. They have become universal or almost universal for the countries of the Western world with its guarantees of rights and freedoms, individualistic worldview, through the prism of which they are addressed, first of all, to their own citizens and have limitations when it comes to the non-Western world. The latter statement became obvious against the backdrop of the current migration crisis that broke out in Europe in 2016, when it became clear that Europe could not be *uniform* in relation to the mass flow of migrants from the Middle East and the African continent and would be forced to use restrictive measures to ensure its own security.

Let's be honest: people from the Arab East are used to this kind of infringement, since in the countries they left in search of a better life, the very existence of human rights has always been seriously questioned. Moreover, in countries with Islamic traditions and culture, they were directly banned. This was not directly related to the manifestation of will, the rigidity of the character of the rulers in the system, as a rule, of eastern despotisms. It was a consequence of the basic values of eastern civilization. As is known, the British historian Arnold Toynbee identified twenty-one civilizations that existed in the history of mankind, however, with all their diversity, they can

[10] The SAGE Handbook of Human Rights. SAGE Publications Ltd. July 2014. 1 136 pages.

be identified as two large types: traditionalist and Western, the latter of which was called by Academician V. S. Stepin a technogenic civilization based on the search for and application of new technologies not only in industrial production, but also in the sphere of social management. The emergence of the technogenic civilization that emerged in the 15th century was *preceded by two mutations of traditional cultures. These were the culture of the ancient polis and the culture of the European Christian Middle Ages*[11]. Their synthesis constituted a system of values that included a very special understanding of the role and place of man in the world. This man was understood, first of all, as an active person, ready for risks and capable of defending his rights to a decent life.It also dominates nature, subordinating it to its will. If in a technogenic civilization transformative and creative activity prevails, then in traditional cultures a conservative approach is honored, which did not and does not set as its goal the transformation of the world and does not allow man to dominate nature.

Thus, the ancient Chinese principle of culture *WU-WEI* is based on the ideal of minimal action, within the framework of which it proclaims a sense of resonance of the rhythms of the world. Its meaning can be understood with the help of an ancient Chinese parable about a man who, wanting to speed up the growth of grains, tried to pull them by the tops in the hope that they would grow faster. Imagine his surprise when, instead of accelerated growth, he tore the plants out of the ground, which testified to a dangerous violation of the principle of *WU-WEI* and, accordingly, the inadmissibility of voluntaristic activity.

Although the values of Eastern culture seem to manifest a respectful attitude towards the surrounding nature and man as a part of it, man, nevertheless, remains a creature only placed alongside other elements of nature: a wild animal, a tree, and even a cobblestone on the side of the road. According to the

[11] V. S. Stepin. Filosofiya nauki. Obshchie problemy: uchebnik dlya aspirantov i soiskatelei uchenoy stepeni kandidata nauk /— M.: Gardariki, 2006. — 384 s. [V. S. Stepin. Philosophy of Science. General Problems: A Textbook for Postgraduate Students and Candidates for the Degree of Candidate of Sciences /— Moscow: Gardariki, 2006. — 384 pages].

traditions of Eastern culture, man is no worse, but also no better than its individual components, therefore there can be no specially protected human rights. They are protected equally with the rights of other ingredients of the ecosystem, thus creating harmony in the coexistence of man and nature. Without denying the right to existence of the individual, traditional culture finds a place for it through a rigid system of coordinates of class-caste and family-clan relations, in which there is no need to talk about the freedom of the individual.

However, the world of Eastern traditions and values is also subject to transformation, although with great caution, restraint and understanding of the existence of boundaries of change. As A. D. Voskresensky notes, *those countries of the East that managed to find their own path that is not equivalent to the Western one, i.e. not equivalent to Westernization, preserved their cultural and civilizational specificity and originality, enriching the experience of world development*[12]. Yes, such a path has been found, but on it, roses in the form of economic success are accompanied by a large number of thorns in the form of rejected human rights. And it can be confidently assumed that human rights did not fall into the category of borrowings from the values of Western civilization. The attitude towards them has remained traditionally unacceptable.

However, the drift towards the suppression of human rights, especially political rights, is also observed in some entirely Western countries, where dissent is harshly suppressed with the help of criminal law norms, and the mechanism of the administrative state is used to suppress human rights.

The most sophisticated mechanism for combating human rights is the imitation of human rights, which is typical for states with authoritarian political systems. In such countries, the long-term existence of authoritarian attitudes and traditions leads to persistent ideas about the hierarchical structure of society as the only possible one, to the removal of citizens from the process of making political decisions and to their submission to the will of the irreplaceable bureaucratic ruling elite. Such authorities, as a rule, imitate human

[12] Voskresenskiy A. D. Politicheskie sistemy i modeli demokratii na Vostoke [Political systems and models of democracy in the East]. Moscow: Aspekt Press, 2007. P.4. (In Russ.).

rights, resorting to declarative statements about the state's commitment to the protection of human rights, the enshrinement of human rights in the constitution and other legislative acts, and public support for international legal acts declaring human rights. Authoritarian power resorts to such actions to save face and its status as a democratic state. Thus, in OSCE documents, human rights have preference over the principle of non-interference in the internal affairs of independent states. Therefore, countries that are part of the EU or seek to become its members are forced to take into account EU standards and adhere to the general rules of the game.

Another reason for the continuing tendency to imitate human rights in the world is the inability of civil society, which very often exists formally in non-democratic states, to control the activities of the state. In authoritarian political regimes, it is common practice to create anti-civil society structures that are associated in the public consciousness as authentic institutions of civil society capable of ensuring state control, while in reality they imitate this control. Autocrats are quite satisfied with this, since they consider human rights to be a factor that *undermines their power and freedom of discretion*[13].

A continuation of this same tactic of behavior of the authoritarian government is the assertion about the doubtfulness of the universal applicability of human rights concepts due to unpredictable and even dangerous consequences, since their recognition can lead to unpredictable results in the form of undermining social stability, loss of trust in state institutions and individuals. It is easy to guess that this dangerous scenario can only be prevented by having a strong, monolithic government that grants its subjects rights solely at its own discretion. At the same time, one cannot but agree that in emergency situations the state has the right to restrict the rights and freedoms of citizens, but such situations do not happen often and do not last long. And most importantly,

[13] Alekseev S. S. O prave i pravakh cheloveka v zhizni sovremennogo obshchestva [On law and human rights in the life of modern society]. Slovar'-spravochnik po pravam cheloveka: osnovnye ponyatiya i instituty = Dictionary-reference book on human rights: basic concepts and institutions, Moskow, 2006, P.74. (In Russ.).

the emergency regime is established in accordance with the law and in the interests of the real security of citizens.

A continuation of this same tactic of behavior of the authoritarian government is the assertion about the doubtfulness of the universal applicability of human rights concepts due to unpredictable and even dangerous consequences, since their recognition can lead to unpredictable results in the form of undermining social stability, loss of trust in state institutions and individuals. It is easy to guess that this dangerous scenario can be prevented only by having a strong, monolithic government that grants its subjects rights solely at its own discretion. At the same time, one cannot but agree that in emergency situations the state has the right to restrict the rights and freedoms of citizens, but such situations do not happen often and do not last long. And most importantly, the emergency regime is established in accordance with the law and in the interests of the real safety of citizens.

And finally, it must be admitted that the phenomenon of *human rights* itself is subject to change in the modern global world. As A. Yu.Sungurov notes, the concept of *human rights* is being stretched today, and any stretching of concepts is dangerous[14]. In international law in recent decades, the emergence of the concept of *transitional justice* has become a reality, which was associated with the need for society to overcome the legacy of mass violations of human rights and humanitarian law in the era of the triumph of totalitarian regimes in the second half of the twentieth century. These violations, in essence, were criminal in nature, because they included torture and executions without trial or investigation, forced disappearance of people and slavery, as well as such international crimes as genocide and crimes against humanity.

Transitional justice was a stretch of the law, since, on the one hand, human rights crimes have no statute of limitations, on the other hand, the concept thus blocked the possibility of a peaceful departure from power for authoritarian leaders who are willing to leave their positions in exchange for their

[14] Sungurov A. Yu. Nado perezapustit' *liberal'nuyu povestku*. Kommersant = daily Kommersant, 2018, January, 22. Available at: https://www.kommersant.ru/doc/3513073 (accessed 14.05.2025). (In Russ.).

resignation and a guaranteed quiet old age. And yet, within the framework of transitional justice, the efforts of activists of international human rights organizations and human rights researchers have found an optimal combination of justice and the creation of conditions for democratic political development in former authoritarian regimes.

However, the difficulties of legitimizing human rights have not diminished even in the countries of Eastern Europe, where the establishment of democratic political regimes in the 1990s proceeded relatively smoothly and, it would seem, irreversibly. And yet, as the well-known constitutional lawyer A. Medushevsky notes, *constitutional modernization has now been replaced by systemic retraditionalization – a revision of the picture of the future, values and strategic guidelines that underlay the transition period from communist dictatorships to Western-type liberal democracy*[15]. Under the influence of Euroscepticism, which became most obvious after the Eurozone crisis in 2013–2014, the concept of human rights has been adjusted, which was expressed *in a conflict of theoretical ideas, norms and political practices. In European countries – "old* and *new* democracies – was discovered a divergence in the interpretation of international, national and constitutional law. This contradiction was reflected in the non-identical interpretation of the concept of fundamental rights, which are formulated in the form of the Charter of Fundamental Rights of the European Union in the Lisbon Treaty[16], and the positions of such European states as Hungary, Poland and Romania. The conservative *offensive* on fundamental rights led to a split in the EU along cultural, religious and national identities, which further strengthened the centrifugal tendencies within it.

Thus, in Hungary, the conservative tendency was expressed in a systemically expressed rightward turn based on conservative-Christian values and

[15] Medushevskiy A. N. Konstitutsionnaya retraditsionalizatsiya v Vostochnoi Evrope i Rossii [Constitutional retraditionalization in Eastern Europe and Russia]. Sravnitel'noe konsitutsionnoe obozrenie = Comparative Constitutional Review 2018, no. 1, pp. 12–32. (In Russ.).
[16] Charter of fundamental rights of the European Union 2012/C 326/02. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT .

nostalgia for the Great Hungarian significance within the Austro-Hungarian Empire, which directly infringed on the rights and freedoms of the individual. The Hungarian Constitution of 2011, which came into force in 2012, introduced a provision on the *collective legal personality*[17] of the people, which is united by historical tradition, spiritual traits and blood kinship, which allows the Hungarian authorities to act in defense of Hungarians regardless of their place of residence, or, in other words, to interfere in the internal affairs of neighboring states, playing the geopolitical card of returning the *lost* territories as a result of the Treaty of Versailles.

The Hungarian scenario was well received in Poland, where constitutional retraditionalization manifested itself in constitutional revision, namely in the defense of sovereignty within the EU, militant rhetoric of a nationalist nature, criticism of the liberal reforms of the 1990s and the current Constitution of 1997 as a morally obsolete product of the liberal era.

From the standpoint of Euroscepticism, retraditionalization came to the Czech Republic and Romania, Bulgaria and Croatia, where there was not so much a direct revision of constitutional norms related to human rights, but a general adjustment of legislation from a conservative position.

Reflection on the difficulties of realizing human rights in the modern world always leads to a dilemma: what is more important: the individual or the state? The Russian philosopher N. F. Fedorov, who wrote that a person *needs to live not for himself and not for others, but with everyone and for everyone,* answered this question in a deeply philosophical way for the edification of future generations[18].

It seems that the state and the person (individual) should follow the principles of solidarity and subsidarity, the first of which means that the success and well-being of each depends on the state of the whole, the general, from which it follows that care should be extended to each other and to the state

[17] The Hungarian Constitution of 2011. URL. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT .
[18] Fedorov, N. F. Sochineniya. M., 1982. 618 s. S. 300 [Fedorov, N. F. Works. Moscow, 1982. 618 pages. Page 300.].

as well. As an embodiment of the bonds of citizenship. Subsidarity obliges the state to provide assistance to those who are in dire need of it and cannot provide for themselves.

Thus, the analysis of the problems of the implementation of human rights in the modern world, undertaken in accordance with the objectives of the study, provides grounds for formulating the following conclusions:

- in the post-communist part of the modern world, the attitude towards human rights has become predominantly indifferent, since, on the one hand, their implementation is always an attack on the authority of decision-makers, the burden of caring for the citizens of their country, and on the other hand, ordinary citizens consider the assertion and implementation of human rights to be a utopia and an empty pastime;
- a significant part of the representatives of the legal community adheres to a positivist position and perceives law as a certain set of laws actually applied in legal practice, from which it follows that state structures have a monopoly on the creation of legal norms and claim the exclusivity of their position in the legal field;
- positive law imposes on society a certain ideology as the dominant one, justifying the humiliated position of man, which is often accompanied by an imitation of human rights, which is most characteristic of states with authoritarian political systems;
- authoritarian power resorts to the imitation of human rights in order to preserve its face and its status as a formally democratic state, since, for example, in OSCE documents human rights take precedence over the principle of non-interference in the internal affairs of independent states;
- a continuation of the tradition of infringement of human rights is the public assertion about the dubiousness of the universal applicability of human rights concepts due to unpredictable and even dangerous consequences, since their recognition, allegedly, can lead to unpredictable results in the form of undermining social stability, loss of trust in state institutions and individuals;

- human rights are not recognized by all countries of the world: they have become universal or almost universal for the countries of the Western world[19] with its guarantees of rights and freedoms, individualistic worldview, while in the countries of Islamic traditions and culture they were directly banned, which is a consequence of the manifestation of the basic values of Eastern civilization, according to which traditional culture finds a place for a person through a rigid system of coordinates of class-caste and family-clan relations and there is no need to talk about personal freedom;
- in international law in recent decades, the emergence of the concept of *transitional justice* has become a reality, which was associated with the need for society to overcome the legacy of massive violations of human rights and humanitarian law during the era of the triumph of totalitarian regimes in the second half of the 20th century;
- *transitional justice* is a stretch of the law, since, on the one hand, crimes against human rights have no statute of limitations, on the other hand, the concept thus blocked the possibility of a peaceful departure from power by authoritarian leaders who are ready to leave their positions in exchange for their resignation and a guaranteed quiet old age;
- under the influence of Euroscepticism, which became most obvious after the Eurozone crisis in 2013–2014, constitutional modernization was replaced by systemic retraditionalization – a revision of the picture of the future, values, and strategic guidelines that underlay the transition period, as a result of which the concept of human rights was adjusted, which was expressed in a conflict of theoretical ideas, norms, and political practices.

[19] Sitek, M. (2022). Prawa człowieka. Pomiędzy ideologią a polityką. Polityka I Społeczeństwo, 20(1), 151.

References

Alekseev, S. S. O prave i pravakh cheloveka v zhizni sovremennogo obshchestva [On Law and Human Rights in the Life of Modern Society]. In Slovar'-spravochnik po pravam cheloveka: osnovnye ponyatiya i instituty = Dictionary-Reference Book on Human Rights: Basic Concepts and Institutions. Moscow, 2006. 468 p. (In Russ.).

Charter of Fundamental Rights of the European Union, 2012/C 326/02. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT

Comte, A. A General View of Positivism. URL: https://platypus1917.org/wp-content/uploads/Cambridge-Library-Collection-Religion-Auguste-Comte-A-General-View-of-Positivism-Cambridge-University-Press-2009.pdf

Fedorov, N. F. Sochineniya [Works]. Moscow, 1982. 618 p. Page 300. (In Russ.).

Hart, H. L. A. (1955). *Bentham on Legal Rights.* Mind, 64(254), 30–45.

Hungarian Constitution of 2011. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT

Medushevskiy, A. N. Konstitutsionnaya retraditsionalizatsiya v Vostochnoi Evrope i Rossii [Constitutional Retraditionalization in Eastern Europe and Russia]. Sravnitel'noe konstitutsionnoe obozrenie = Comparative Constitutional Review, 2018, no. 1, pp. 12–32. (In Russ.).

Schmitt, C. The Crisis of Parliamentary Democracy. Cambridge, MA: The MIT Press, 1988. ISBN: 9780262691260. 184 pp.

Sitek, M. (2022). Prawa człowieka. Pomiędzy ideologią a polityką. Polityka I Społeczeństwo, 20(1), 145–159. https://doi.org/10.15584/polispol.2022.1.11

Stepin, V. S. Filosofiya nauki. Obshchie problemy: uchebnik dlya aspirantov i soiskatelei uchenoy stepeni kandidata nauk [Philosophy of Science. General Problems: A Textbook for Postgraduate Students and Candidates for the Degree of Candidate of Sciences]. Moscow: Gardariki, 2006. 384 p. (In Russ.).

Sungurov, A. Yu. Nado perezapustit' *liberal'nuyu povestku*. Kommersant = Daily Kommersant, January 22, 2018. Available at: https://www.kommersant.ru/doc/3513073 (accessed 14.05.2025). (In Russ.).

The SAGE Handbook of Human Rights. London: SAGE Publications Ltd., July 2014. 1,136 pages.

Umnova, I. A. Pravo mira [Law of Peace]. Moscow: Eksmo, 2010. 448 p. (In Russ.).

UN Declaration on the Right to Peace (A/RES/71/189), 2016.

Universal Declaration of Human Rights. URL: https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf

Voskresenskiy, A. D. Politicheskie sistemy i modeli demokratii na Vostoke [Political Systems and Models of Democracy in the East]. Moscow: Aspekt Press, 2007. P. 4. (In Russ.).