

Zhorova, S.I. (2022). Law in the process of globalization. *International collection of the student works on Jurisprudence. Tuculart Student Scientific*, 1 (1), 57-72. Ostrava: Tuculart Edition.

DOI: 10.47451/tss2022-01-05

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Law in the process of globalization

Abstract: The process of globalization has become an integral part of the modern development of the whole society. Its influence is more evident every day. It primarily affects such areas as: politics, economics, culture in general, the media. The issue of the consequences of globalization for the development of law and the state is very interesting and relevant also because globalization is a very controversial phenomenon that entails not only positive, but also negative consequences for the development of states and their national legal systems. The relevance of the topic is due to the fact that the processes of cultural, economic, political and religious integration and unification are taking place at an unprecedented pace, globalization processes affect all spheres of public life, including the legal sphere. The object of the study is social relations arising in the sphere of globalization processes taking place in the modern world and their influence on law. The subject of the course work is scientific views and points of view on the process of globalization in the modern world, its impact on the state and law. The purpose of the course work is to study law in the process of globalization. The degree of development of the topic. Issues related to the study of the state, the legal system of society, globalization, the definition of their essence, form and functional purpose, have been and remain one of the central ones in the general theory of state and law. The scientific novelty of the study lies in the fact that in the context of globalization, the transformation of the legal system, including Russian society, creates a new quality of interaction between national and international legal norms, which consists in strengthening mutual influence and requires a consensus approach. The study was conducted on the basis of dialectical-materialistic methodology, within the framework of which logical, formal-legal, historical-legal, comparative-legal and other methods of scientific knowledge were used to solve the research problems.

Keywords: globalization, Russian Federation, international law, Constitution of the Russian Federation, law of the Russian Federation.



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«Право в процессе глобализации»

Аннотация: Процесс глобализации стал неотъемлемой частью современного развития всего общества. Его влияние все более очевидно с каждым днем. Она преимущественно воздействует на такие сферы как: политика, экономика, культура в целом, СМИ. Вопрос о последствиях глобализации для развития права и государства весьма интересен и актуален еще и потому, что глобализация является весьма противоречивым явлением, которое влечет за собой не только позитивные, но и негативные последствия для развития государств и их национальных правовых систем. Актуальность темы обусловлена тем, что процессы культурных, экономических, политических и религиозных интеграций и унификаций происходят беспрецедентными темпами, процессы глобализации затрагивают все сферы общественной жизни, в том числе и правовую сферу. Объектом исследования являются общественные отношения, возникающие в сфере происходящих в современном мире глобализационных процессов и их влияния на право. Предметом курсовой работы являются научные взгляды и точки зрения на процесс глобализации в современном мире, его влияние на государство и право. Целью курсовой работы является исследование права в процессе глобализации. Степень разработанности темы. Вопросы, связанные с изучением государства, правовой системы общества, глобализации, определением их сущности, формы и функционального назначения, были и остаются одними из центральных в общей теории государства и права. Научная новизна исследования заключается в том, что в условиях глобализации, трансформация правовой системы, в том числе российского общества, создает новое качество взаимодействия национальных и международных правовых норм, которое заключается в усилении взаимного влияния и требует консенсусного подхода. Исследование проводилось на основе диалектико-материалистической методологии, в рамках которой для решения задач исследования применялись логический, формально-юридический, историко-правовой, сравнительно-правовой и иные методы научного познания.

Ключевые слова: глобализация, Российская Федерация, международное право, Конституция Российской Федерации, право Российской Федерации.



Introduction

Issues related to the study of the state, the legal system of society, globalization, the definition of their essence, form and functional purpose, have been and remain one of the central ones in the general theory of state and law. The scientific novelty of the study lies in the fact that in the context of globalization, the transformation of the legal system, including Russian society, creates a new quality of interaction between national and international legal norms, which consists in strengthening mutual influence and requires a consensus approach.

The purpose of the course work is to study law in the process of globalization.

This purpose is achieved by setting and solving the following tasks:

- explore the concept and essence of globalization;
- study the legal problems of modern globalization and methods for their solution;
- consider the impact of globalization processes on Russian law;
- study the ways of development of Russian law in the era of globalization.

The study was conducted on the basis of dialectical-materialistic methodology, within the framework of which logical, formal-legal, historical-legal, comparative-legal, and other methods of scientific knowledge were used to solve the research problems.

The impact of the process of globalization on law

Globalization is a process of modernity

This problem is caused by significant changes in the modern world, which have led to transformations both in international relations and within the states themselves and their legal systems.

This obliges political and legal science to explore the modern state and law from new positions previously unknown to these sciences. Globalization itself is a new stage in the development of human civilization, influencing the political activity of states, the functioning of business, the legal system, international law, the state of human rights, etc. It is a multi-vector and multi-network system. “It is able to give abundance, increase productivity, production efficiency. It is on the one hand.” On the other hand, “it deepens inequality, reduces diversity, undermines civil society”! (*Lukashuk, 2000:12*)

Globalization is a term that appeared in the twentieth century. It is associated with the integration of markets for goods, services and capital in most countries of the world. It was this process that caused the emergence of economic monsters – transnational corporations dictating their rules to national economies.

In the context of globalization, it is quite obvious that there is a leveling, and sometimes a complete elimination of traditional national and global values, which can result in a simplification (possibly, disappearance, loss) of national values, without which the identity of nations and peoples is impossible, since their culture and identity disappear. Therefore, despite the inherent progressiveness of globalization, the positive properties of a number of its laws and processes, globalization in the minds of many people is identified with negative challenges to humanity, due to its ability to have a destructive effect on the foundations of life of large and small peoples and nationalities, on their national and cultural identity. It is no coincidence that in the political, economic and legal literature globalization is called the modern form of imperialism (*Ovchinnikov et al., 2009:147*).

At the same time, individual representatives of economic, political and legal science idealize the role and significance of globalization, only with it they associate the successful development of the modern world.

Such an attestation of globalization seems premature. Just the modern world gives us an example that globalization is a holiday for strong states, it is favorable conditions for the economy of other states, the prosperity of transnational corporations, whose economy suppresses the economy of other states, especially weak ones, making them even weaker and more dependent. For example, at the late-20th and early-21st century. ten countries out of 207 possessed 84% of the latest scientific developments and owned 95% of patents for new inventions.

Here we can recall the warnings of I.A. Ilyin who knew both Russia and the West: “We must understand and remember that any pressure from the West, no matter where it comes

from, will pursue not Russian, but alien to Russia goals ... not the good of the Russian people, but the interest of the oppressive power and extortionist organization...” (*Ilyin, 1992:66*)

So, the globalization of globalization is different. It is one thing when it promotes progress, adequate, mutual influence, improvement of people’s lives, and another when it has opposite goals: it leads to the dependence of states on foreign capital, the unrestrained exploitation of cheap labor, increases unemployment, uses the natural resources of dependent countries in the interests of transnational corporations causing irreparable damage to nature.

In connection with what has been said there is every reason to quote the statement of Western analysts G.P. Martin and H. Schumann that globalization is a trap for all mankind, threatening prosperity and democracy (*Martin & Shumach, 2001*).

It cannot be denied that globalization is a reality of the modern world, it is an objective process of world development, especially in the economic sphere. Therefore, it cannot be a relative evil, but the fact that some scientists call it a new world order is far from reality. The world today is too diverse to call one thing a new order. Moreover, one cannot ignore anti-globalization – a movement that is being promoted by many leaders of states who see globalization as a threat to their own sovereignty and national identity. Therefore, the conditions for a real unified world order have not yet been created.

Considering the problem of globalization, its impact on the activities of modern states, it should be borne in mind that there are so-called global problems of mankind that objectively arose in this period, which can only be solved jointly. Among such problems I.I. Lukashuk highlights: the problem of ensuring global peace and security, the proliferation of nuclear, biological and chemical weapons, the preservation of the environment, the threat of international terrorism. These problems are facing the whole world (*Lukashuk, 2000:6-7*).

Also, to these problems, one can add unregulated migration of the population from undeveloped countries to developing and developed ones, the fight against the starving population and poverty in a number of regions, natural disasters, environmental disasters, etc. In addition, thanks to this phenomenon, global economic crises have decreased in cycles, and now they occur many times more often than in the 19th century, which negatively affects the rates of world and national economic growth. In conclusion, it must be said that globalization also entails new phenomena in world life, for example, the emergence of international law, which is being developed supranational bodies and organizations, such as: the UN, the Security Council, the European Union and its bodies (Council of Europe, the Pan-European Committee of Ministers, PACE). It is not necessary to associate the creation of these organizations and the formation of international law only with globalization, but it has greatly contributed to the development of these institutions.

Legal problems of modern globalization and methods (ways to solve them)

The legal problems of globalization in the system of social relations are not a polemical abstraction. These are purely practical problems, the real significance of which occupies an important place in the legal consciousness of the international community and which require urgent anticipatory solutions that can ensure normal conditions for the existence of earthly civilization.

The complication of social reality, due to a number of negative factors (depletion of the vital resources of the planet due to their irrational, selfish use, natural and man-made disasters, unknown diseases, excessive accumulation of various types of weapons, bureaucratic corruption, the fall of the intellectual and moral potential of mankind), all sharply raised the question of rethinking the legal regulation of social relations, their international legal universalization, the creation of a new international order.

Common fundamental legal principles, norms, standards are the main conditions, parameters of a single global legal space, a global legal community. On this basis, the interaction between the norms of international and domestic law is expanding and strengthening. "The convergence of national legal systems in the international scope has become a decisive problem of our time" (*Tikhomirov, 2005*).

International law is playing an increasing role in the development and improvement of national, domestic legal systems. The international balance of these systems (with some exceptions) has become the rule. The generally recognized principles and norms of international law overwhelmingly coincide with the national interests of individual states (state sovereignty, the inviolability of the established constitutional order, the territorial integrity of the state, etc.). International law has become one of the criteria for the constitutionality of law in a constitutional state, which acts as an important institutional prerequisite for the international legal order.

In a rule of law state, the legal system is in harmony with international law, constitutionally fixing the functional priority of its fundamental principles and norms, the main substantive idea of which is the idea of human rights as the highest social value, their protection and protection. "The international community," says the Vienna Declaration of 1993, "should treat human rights globally, on a fair and equal basis, with the same approach and attention. Although the importance of national and regional specificity and various historical, cultural and religious characteristics must be borne in mind States, regardless of their political, economic and cultural systems, have a duty to promote and protect all human rights and fundamental freedoms. "It is emphasized that". All international legal acts on human rights consider the rule of law as a tool for asserting, ensuring all human rights, imposing on it (the state) appropriate legal obligations.

However, as noted, the overall development of mankind is uneven, ambiguous. Modern processes of globalization in the system of social relations are not without certain contradictions, negative trends, which causes a critical attitude towards these processes among a certain part of the population of different countries. In particular, many people are repelled by globalization because its economic benefits are becoming less and less accessible to the average worker.

An important role in the growth of anti-globalization sentiments is played by many permissive lines of an ideological order (i.e., religious beliefs and traditions, political views, etc.). One of the obstacles to the optimal solution of certain problems of globalization is the low level of legal awareness, the general culture of the general population. "Millions of people around the world perceive globalization not as an instrument of progress, but as a destructive force, like a hurricane and capable of destroying life, work and traditions. Many people are characterized by an ardent desire to impede this process and resort to an illusory calm in the world of nationalism, fundamentalism" (*Annan, 2009:65*). Therefore, the search for legal means to limit the negative aspects of modern globalization and its social consequences is so relevant and important. In social relations, not everything can and should be subjected to legal universalization, unification,

and standardization. Appropriate approvals, approbation, joint decisions are needed. For example, the globalization of a religious or political order is unacceptable, just as there cannot be an international world religion, there cannot be an international world statehood with uniform legal and regulatory templates that destroy the spiritual specificity of this or that people, of this or that nation.

As noted by A.P. Chekhov, there are “limits to the universal”, which determine the limits of globalization in the system of social relations. In the language of the Koran, “God made people into different peoples”, so there are different countries, states with different beliefs, different administrative infrastructure, different cultural identity, which no one has the right to destroy. If we recognize any unipolar hegemony (primacy, domination) for political domination, for the establishment of social law and order, the concept of state sovereignty loses all meaning. The concept of this or that social integrity, its qualitative certainty, is inextricably linked with a certain autonomy, that is, the relative independence of a certain internal structure in relation to this or that external sphere.

Forced import of the legal systems of some countries into others, without due respect for the regulations of the latter, has always been condemned and condemned by legal thought. The correct postulate is that one should distinguish between the social spheres of certain countries that are ripe “for global harmonization and those in which harmonization is real only at the regional level. Since a generally recognized model of international consensus (assuming general agreement) has not yet been developed, globalization should be carried out by the method of various agreements, coordination, subordination in accordance with the generally recognized principles of the international community (the principle of democracy, the principle of sovereign equality, the principle of non-intervention, the principle of equal rights of peoples and nations for self-determination, the principle of respect for human rights, the principle of justice)” (*Lukashuk, 2000: 126-172*).

All countries, voluntarily or involuntarily, must move towards a unified legal mass, a unified world legal system. They are being pushed to copy the exemplary European administrative law, which most fully enshrined human rights and freedoms. The imposition and introduction into the domestic law of various countries and continents of the concepts of “human rights”, “international standards”, “human values”, etc., ultimately undermines the system of national law, since some of these stereotypes do not fit into the historical mentality of the peoples of Russia and are not acceptable value.

Today we can observe that there is often an export of legal capital, that is, the forcible imposition of “universal human values” and “international standards” on dependent countries with weak legal systems. Under these conditions, the Russian legal system must not only resist, but also, if possible, help friendly countries to preserve their sovereignty and defend the originality of their legal systems.

Despite the objectivity of the globalization process at the present time and a number of its positive results in global development, global globalism remains indisputable and obvious, affecting the political and legal consciousness of citizens of individual states, their adoption of laws that are pleasing and beneficial to transnational companies. In these laws, there is little room for national legal consciousness, historical legal traditions and legal culture of the people, as new

standards are set, dictated by foreign forces such as the International Monetary Fund, the World Trade Organization, the World Bank, etc.

Today, Russia is also included in global processes, its development is taking place under the influence of factors of international importance, under the influence of trends common to the world community. The modern Russian state follows the path of building and strengthening the rule of law. Like other socially oriented states, Russia, using democratic methods of state power, seeks to establish relations of social justice in society, to create an effective mechanism for ensuring the rights and freedoms of the individual, its protection from lawlessness and arbitrariness. In 1993, the first was adopted and at the moment the only Constitution of the Russian Federation, in part 4 of Art. 15 of which, it is written that the norms of international treaties have priority over the norms of the law of the Russian Federation. Industry legislation also includes rules according to which foreign law can be put by the court as the basis for deciding this or that case within our country. So, part 5 of Art. 11 of the Civil Procedure Code of the Russian Federation states: "The court, in accordance with federal law or an international treaty of the Russian Federation, when resolving cases, when resolving cases, applies the rules of foreign law." In this case, there is an internationalization of domestic law. In legal science, this process is called convergence, mutual enrichment of national law. This is true, if we do not forget about the need to preserve sovereignty, national identity, as opposed to the desire for global homogeneity. This is especially important to remember after Russia's accession to the World Trade Organization (WTO), Russian legislation is trying to defend national priorities, but this is not always successful, since having signed a number of binding international documents in the 1990s, it is now difficult for it to evade their implementation. Russia became a member of the Council of Europe (in accordance with the PACE resolution of January 25, 1996, Russia's accession to the Council of Europe was procedurally formalized), declared the universally recognized principles and norms of international law as an integral part of the legal system. Russian legislation is gradually being brought into line with international legal standards that recognize the priority of individual rights and freedoms over other values of a civilized society.

In Russia, due to the peculiarities of its state and legal development, the influence of global factors is rather complicated. As rightly noted, in the field of using scientifically verified, historically tested institutions of state and legal construction, Russia lags far behind advanced foreign countries, and yet, the Russian Federation has a different way of development, except to integrate into the rules for organizing public life in civilized countries, in essence, No. Russia, as you know, accepted the liberal idea. Hence the understandable desire of Russia to ensure that its legal system complies with the pan-European level, with the generally accepted standards of democracy.

At the present stage of development of statehood and law, there is a need for a new approach to the very concept of lawmaking, in the search for new criteria for interaction based on the analysis of the possibility of perceiving certain legislative experience in national legal systems, and at the same time on a critical approach to the problem of "standardization" of certain elements lawmaking.

Manifestation of globalization processes in Russian legislation

The impact of globalization on Russian legislation

Globalization has had a tremendous impact on Russian legislation. Under its influence, almost all branches of legislation have been significantly transformed and continue to improve qualitatively.

New branches of legislation have been formed that reflect modern realities (information legislation, arbitration procedure, legislation on enforcement proceedings, etc.). The Russian system of legislation is increasingly approaching the Western model, both in terms of content and quality. And at present, the dynamics of the development of the Russian system of legislation reflects a movement towards overcoming the crisis caused by the revolutionary nature of Russia's entry into globalization processes, and creating conditions for further integration into the world community.

The entry of the Russian Federation into the processes of legal globalization is a positive, progressive step that creates huge potential prospects (such as integration into the world community as an equal subject, development of political, legal and economic cooperation with various states, balanced development of political, legal, economic, and as well as the social security system as a whole). The series of crises that overwhelmed Russia at the end of the 20th century must be considered as the inevitable costs of a radically transitional stage of relatively isolated development towards inclusion in international globalization processes.

At present, the Russian Federation is still at a transitional stage of its legal development in the context of modern globalization, despite the fact that the President of the Russian Federation in his latest messages to the Federal Assembly of the Russian Federation unequivocally speaks of the end of the transition period and the beginning of the development stage.

A striking example of the impact of globalization on the legal system of a state is the adoption on November 4, 1950, in Rome by ten member states of the Council of Europe (Belgium, Great Britain, Germany, Denmark, Iceland, Italy, Luxembourg, the Netherlands, Norway, France) of the Convention for the Protection of Human Rights and fundamental freedoms and the creation, in order to enforce obligations under the Convention, on 21 January 1959, the European Court of Human Rights to hear complaints of violations of the Convention. The ratification of the European Convention allows all persons under its jurisdiction to apply to the European Court of Justice if they consider their rights violated. This also applies to citizens of Russia, which is confirmed by Article 46 (part 3) of the Constitution of the Russian Federation.

For a deep and comprehensive knowledge of the law that exists and functions in the process of globalization of the world, it is necessary to identify and consider the main trends in its development. This will allow us to better understand the state of law, not only in the present, but also allow us to look a little into the future. It is impossible to consider in detail all the trends in the development of law that are currently being formed and manifested at different levels, so we will consider the most important of them. Namely, those tendencies that are most clearly manifested at the global and regional levels, as well as at the local level (at the level of individual branches and institutions of law). At the global and regional levels, the trend of universalization and unification of law is especially evident. The emergence and development of this trend is

based on the process of integration of the world economy, finance, communications, mass media and other means and spheres of society. This process could not but affect both the evolution of law as a whole and the trends of its further development. I would like to agree with the authors' statement that the universalization of law, manifested in the desire to develop a common approach to law, and its unification, which means "the introduction of uniform norms into the legal systems of states," are not new phenomena in the state-legal life of various countries. "Formation and development of law (from its primitive to modern developed forms)," wrote V.S. increasingly global law, and these "historically progressive properties and characteristics of developing law find their expression, consolidation and implementation (action) both in individual national-state systems of law and in international law." Especially the trend of universalization and unification of law is manifested at the global and regional levels in such areas of legal regulation as trade, business, the financial sector, etc. At the same time, we are not talking only about the principles of international law – such as the principle of sovereign equality of states, the principle of their territorial integrity, non-interference in the internal affairs of other states, settlement of disputes only by peaceful means and other principles enshrined in the UN Charter (1945), in the Declaration on the Principles of International Law, relating to friendly relations and cooperation among states in accordance with the Charter of the United Nations (1970), in the Final Act of the Conference on Security and Cooperation in Europe (1975), as well as in other international legal documents. However, despite the exclusively formal nature of many legal and non-legal principles on which the various relations that develop between various subjects – participants in globalization are built, the fact remains that general principles, and not specific rules of law, are taking an increasing place and playing an increasingly active role. role in the system of regulatory tools used at the global and regional levels.

It should be noted that the emergence and development of this trend is not spontaneous or accidental, but is due to the course of historical development and the search for the most effective state-legal and other forms of organizing public life. At the same time, the emergence and evolution of this trend is due to a purposeful search for the most appropriate and effective means of regulation that arise at each stage of the development of society and the state of social relations.

So, if in the early and later stages of the development of society and the state, in particular in conditions of feudal fragmentation, custom occupied a significant place among the sources of law in a number of countries, then in a later period, in the conditions of the formation and development of centralized states, custom lost its former meaning, and was gradually superseded by law. Of course, the point is not in the number or variety of legally significant acts concerning human and civil rights adopted over the past decades, but in their practical significance. After all, it is difficult to disagree in this respect with representatives of sociological jurisprudence (E. Erlich, F. Zhenya, K. Llevellin, R. Pound, etc.), who believed that real objective and subjective law should be active, real, "living". Otherwise, it will not be right but a collection of "dry hieroglyphs of laws" (as E. Erlich characterized it). Nevertheless, despite the formal nature of most legal and human rights acts, they play a rather important role in the life of society and its individual members, which indicates the development of a trend to expand and strengthen legislation relating to the rights and freedoms of man and citizen.

Having finished considering the importance of globalization, it is worth asking yourself the question: “Is globalization good or bad?” Perhaps the word “globalization” has never been heard so often as with the onset of the financial crisis. Since this was both the cause and the way out of it. Therefore, it is difficult to answer the question of whether this is good or bad. But we think it’s bad if some “incomprehensible” globalization has nothing to do with us. And it’s good if we take part in it. That is, we understand that if our thought or action is not perceived indifferently, but falls into the “real field of existing people” who hope, suffer, fear. If each of our steps does not disappear into “nowhere”, but will have a response. And if we start to change our thoughts in this direction, then we will see positive aspects (*Ampilogova, 2013:34*).

Trends in the development of Russian legislation in the context of globalization

The process of transformation of Russian society is reflected in the functioning of many laws of a social and legal nature. Simultaneously with the formation of new socio-economic, political and spiritual prerequisites for building the Russian legal state, the content of the normative material is also being updated, the trends in its improvement and development are changing.

This is the need to strictly ensure the rule of law in all spheres of society; specialization, unification, intensification of legislation; inconsistency and competitiveness of its structures; increase in the array of technical and legal regulations. These trends can be conditionally divided into three large groups. The first group includes: comprehensive strengthening of legislative priority, intensification and striving for stability. The second is the specialization of legislation with its various forms of manifestation: differentiation, concretization, detailing. The third group includes legal unification and its accompanying processes: integration, generalization, universalization, publication of complex regulations.

The central place in the hierarchy of these tendencies belongs to the legislative priority as one of the main ways to effectively ensure the new state policy in the field of the formation of market relations, the worldwide protection of the rights and freedoms of the individual. Comprehensive updating of the legislation carried out today, a kind of cleansing it from routine, clogging and departmental regulation. Such a reconstruction is also due to the need to introduce new methods in the management of the national economy, reforming state-power structures.

The deepening of the specialization of social and economic processes increases the background of legal changes and contributes to the adoption of the most important legislative acts in areas that were not previously covered by legal influence. The value of the law begins to rise in direct proportion to its true role in the life of society and brings the trend of its supremacy to the fore among other directions. However, the level of social return of this trend entirely depends on the successful functioning of the entire set of “subordinate” patterns. It is they who most fully reveal its content, legal nature, forms of manifestation, etc.

In addition, the universal and precise implementation of the law is the foundation of strong state relations between the republics and the center, the priority of the law in relation to other subordinate legal acts. With strict observance, these acts will not be able to formalize the current legislation, turn it into “paper law”. The purpose of their adoption is solely to compete, supplement and develop the content of the law, and therefore they should not go beyond its general meaning.

The intensification of legislation as one of the characteristic features of its modern development contributes to the fact that the legally correct, comprehensive regulation of social relations is carried out both through the issuance of new regulations, and by improving the quality and effectiveness of the current legislation, strengthening its scientific validity. The process of intensification is aimed at maximizing the use of the internal “resources” of the existing legislative array.

The level of intensification largely depends on the subjective factor. This dependence manifests itself in at least two ways. Firstly, in the field of law-making, this is the publication by the competent authority of a normative act that corresponds to the spirit of the times (the so-called law-making efficiency). Secondly, in the field of law enforcement, this is the competent full-fledged use of a legal act (law enforcement activity) (*Senyakup, 2013:57*).

The process of intensification of legislation interacts with the tendency to strengthen its stability, without which it cannot exist as a permanent system of regulation of social relations. Today, this property is highly valued as a kind of legal guarantee of the strength of the course chosen by the state, the prospects of regulated relations. Stabilization is designed to relieve tension in inter-republican relations and ease internal contradictions.

The stability of legislation is ensured by the presence of a number of factors that can be conditionally divided into material and special legal ones. Material factors include: sustainability of socio-economic, state-political and national relationships; timely legislative response to the most important social processes, taking into account the prospective nature of their development; objectivity and validity of the goals of economic transformations; forecasting the need for legal mediation of a particular public sphere in the future.

Special legal factors include the following conditions: compliance of the current legislation with the Constitution of the Russian Federation:

- publication and functioning of by-laws on the basis of and in pursuance of the law;
- a high level of legal intensification;
- perfection of legislative technique;
- legally competent, active use of the adopted normative act.

The rapid pace of socio-economic transformations determines the dynamism of the normative regulation of social relations, taking into account the originality and specificity of their various sides and facets. These tasks are successfully carried out by the trend of its specialization, which is intensively developing in Russian legislation. Its purpose is to legally more fully cover all kinds of changes and novelty of social processes, to be consistent with the peculiarities of their manifestation in certain social spheres, to determine the level of such transformations more qualitatively.

The process of legal specialization objectively reflects the multifaceted course of the development of society and permeates various aspects of our social reality. The origins of the specialization of legislation are the social division of labor, the really legitimized differentiation of power structures, and national-state sovereignty. The prerequisites for the specialization of legislation can be divided into socio-economic, power-administrative and legal.

The purpose of the process of specialization of legislation is that both in the system of law and in the system of legislation, a “division of labor” between prescriptions occurs and

intensifies, as a result of which individual norms and their complexes begin to specialize in the performance of certain operations. They reflect the uniqueness of social relations, the specifics of specific circumstances, and in their totality form the legal basis for the process of specialization, being called special.

Today, specialization covers the entire legal array and affects both the form and the content of legislation, where the following types have been identified: subject (industry), functional, regional and mixed. Each variety outlines a certain section in the system of legislation, influencing its content and structure in its own way. And the more accurately the process and result of specialization are reflected in legal prescriptions and normative acts, the higher their truth and more efficient implementation.

In addition to self-development and self-expression, the specialization of legislation has a positive impact on its other tendencies. So, it will give the stability process the property of flexibility, making it more dynamic. Through its vertical orientation, specialization ensures the intensification of a full-fledged “workload”, contributes to the optimal, high-quality return on the content of a certain legal act. The process of specialization covers with its influence the entire layer of the legal system: law-making, legal relations, legal responsibility, law enforcement practice, etc.

Unification of legislation is a trend opposite to specialization, the meaning of which is the accumulation of similar prescriptions and the creation of legal acts that would simplify legislation, making it accessible and uniform. With the help of unification, inconsistency in the structure of the mechanism of legal influence is overcome, its oversaturation is eliminated, unjustified disunity and inconsistency in law enforcement are eliminated. That is why unification is one of the effective ways to combat the excessive complexity of legislative regulation in various areas (*Senyakiy, 2013:60*).

And although unification acts as the antipode of specialization, these two phenomena are closely interconnected and form the main directions of the process of progressive development of the entire system of modern legislation. The mobility of its borders to a certain extent affects the quality and effectiveness of the regulatory mechanism, in which opposite tendencies sometimes collide. These opposites are based on dialectical contradictions of both socio-economic and legal nature.

The first group of contradictions includes: the inconsistency of production relations with the nature of the productive forces; the gap between production and the needs of citizens, the cost and price of goods, between the requirement of objective economic laws and their subjective awareness in the management process; property inequality, etc. However, economic contradictions are not isolated. They have a noticeable impact on the internal processes of legislation and are found between its essence and content, form and content, within the very essence, etc.

Thus, the current trends in the development of Russian legislation represent a complex and rather contradictory system of its various directions for the regulation of multifaceted social relations.

Interaction of international and domestic law in the context of globalization

The current stage of the development of civilization, as it seems, requires the search for adequate mechanisms for the interaction of countries and peoples, the convergence of state-legal systems. International law is now one of the most important factors ensuring the more or less stable existence of human society. It must be admitted that the role of law in general is increasing in the context of globalization and the threat of global problems of our time. “Against the backdrop of escalating local conflicts and common problems, there is a widespread awareness of the need to develop a constructive dialogue and joint search for ways to overcome the accumulated contradictions. The most preferable in this situation are precisely the international legal mechanisms that imply the coordination of the actions of the subjects and the search for a compromise in decision-making (*Ralko, 2009:315*).

The world community today needs a higher level of management of social processes. The most acute threats of the beginning of the 21st century – international terrorism, national and religious conflicts, corruption, drug trafficking, human trafficking and others can only be neutralized by the solidarity efforts of the entire progressive society, based on the instruments of international law.

One of the objective laws of the development of law at the present stage is the deepening of the interaction between international and domestic law, which, in turn, leads to the internationalization or homogenization of the latter. In the context of globalization, the legal systems of different states must be compatible and able to interact with each other. This can be achieved both by recognizing the priority of international law over national law, and by improving domestic law under the influence of international law.

It should be emphasized that the norm of international law acquires legal force only after the state, being sovereign, gives it legal force. This process is carried out in accordance with the provisions of the constitution or other legislative acts of the state. For example, paragraph 4 of Art. 15 of the Constitution of the Russian Federation establishes that “generally recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system. If an international treaty of the Russian Federation establishes rules other than those stipulated by law, then the rules of the international treaty shall apply (*Manor, 2008:186*). Thus, at the constitutional level, the nature of the relationship between international and national law was determined.

Currently, many states adhere to the principle “international law is an integral part of the law of the state.” The inclusion of this provision in the Constitution of the Russian Federation testifies to the desire of the Russian state for openness, reflects the current trend towards expanding the interaction of domestic law with international law.

At the same time, in raising the level of organization of the social system of the Russian state and the degree of its manageability, in solving social problems and contradictions of our time, the role of domestic law is significantly increasing. Because of this, lawmaking at the national level is strongly influenced by generally recognized norms and principles of international law. It is safe to say that the need to bring Russian legislation into line with the international obligations of the state has driven the entire legislative process in the past two decades. There are many examples of this, the most striking of them are the new Criminal and Criminal

Procedure Codes of the Russian Federation. Today, many branches of Russian national law have “sprouted the norms of international public law”. Therefore, it must be recognized.

Globalization, however, is fraught with threats, in particular, the loss of national legal culture, its ideals, values, which can lead to the formation of a homogeneous legal system. It seems that globalization cannot be understood in a simplified way as the standardization of national legal systems. Globalization does not mean that the legal systems of all countries will be rebuilt, moreover, according to the Western model. But there are fundamental principles, norms, the observance of which by all subjects of international law will contribute to ensuring the general rule of law and mutual consent. “In the conditions of the versatility of the world, the coexistence of a huge variety of cultures and civilizations, their peaceful interaction can only be ensured by the principles of the rule of law, human rights and freedoms and, no less important, tolerance.” (*Bykova, 2008:325*) The UN Millennium Declaration states: “Differences within and between societies should neither be feared nor suppressed, they should be protected as a valuable contribution to human civilization. A culture of peace and dialogue among all civilizations should be actively promoted.” Thus, international law itself, which is developing in the context of globalization, emphasizes the importance of preserving national identity.

In the modern world, there are many legal values that are understandable to most people, regardless of their national, cultural, religious affiliation, which determines the similarity of numerous legislative trends in various branches of law in different countries of the world. The implementation of these provisions at the international level makes it possible to ensure international order and stability, and not a unipolar world governed by the principle of force (*Zorkin, 2007:245*). Therefore, globalization in the legal sphere, in my opinion, is a positive phenomenon. The trend of increasing importance of international law and its influence on national law will contribute to ensuring the stability of the rule of law and strengthening the role of law as a social institution as a whole. The normal functioning of the international system as a whole depends, in turn, on domestic law. Its lagging behind the requirements of the times, contradicting the universally recognized norms and principles of international law, can give rise to serious international consequences.

Conclusion

Globalization is changing our world radically and faster than any revolutions and wars, of which there have been quite a few in the entire history of mankind.

By integrating the world in a very specific way, it, on the one hand, promotes the exchange of advanced progressive experience, including legal experience, opens up great prospects for the formation of a single world community based on the principles of respect for state sovereignty, mutual support, and a unified solution of pressing problems, opens up opportunities for simplification and intensification interstate interaction. On the other hand, integration efforts do not always lead to the theoretically desired unifying result, often giving rise to irreconcilable contradictions.



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