

Fundamental rights as an inevitable part of modern society

Abstract

In today's globalizing world, fundamental rights have acquired new properties and capabilities: they have gone beyond the relationship of an individual only with the state, turned into a constructive element of democratic state-legal systems, boosted the integration of social and legal relations, etc. Moreover, a so-called "law of rights" has emerged.

Law of rights – a set of principles and norms governing the international protection of the rights and fundamental freedoms of individuals and representing international human rights standards for national law.

At the same time, under the influence of modernization and transnationalization processes, as well as changes in the socio-political conditions in many countries, new and previously unknown collisions arise in this area.

They constitute a serious problem of law, interfere with the normal, harmonious work of the legal system, often infringe upon the rights of citizens, affect the effectiveness of legal regulation, the state of law and order, legal awareness and legal culture of society. They create inconvenience in law enforcement practice, impede the use of legislation, cultivate legal nihilism.

However, legal collisions precisely contribute to the improvement of legislation and are a significant impetus for its development.

Stressing the importance of conflict of laws, some scientists in Russia (for example, Yu. A. Tikhomirov, N. I. Matuzov, A. V. Malko) believe that it can be treated as a separate branch of law (has its own object and method).

A huge number of appeals to the European Court of Human Rights also confirms the need for the special research and further work on issues of legal regulation of the rights.

At the beginning of 2019, 53,350 cases are pending. Most appeals are related to the right to an effective remedy and the right to a fair trial. Therefore, having analyzed the experience of the International Court of Human Rights, we can conclude that the "law of right" requires improvement not only in the theoretical aspects, but also in matters of law enforcement, and this is also possible by amending international and national norms on legal issues.

All this implies the need to take a fresh look at the problem of rights / conflicts of laws and prove the importance of fundamental rights in the 21st century.