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International legal organization and the limits of state sovereignty

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ABSTRACT

Currently there is a trend to increase the role and impact of international law on national legal systems not only in the area of trade regulation, but also in other areas (for example, in the field of spent nuclear fuel, environmental laws and radioactive waste management), and as a result, there must be Consolidation of existing legal systems, through the incorporation of international law into national legislation, within the voluntary relinquishment of the state from its sovereignty, which helps to limit the uniqueness of states and peoples, and is a prerequisite for ensuring their national security in the modern world, where supranational legal regulation is in particular Under the auspices and protection of human rights and freedoms, however, this slogan appears to act only as an official reference to the international legal movement and has no right to exist because of the three unequal groups of "personal - society - state", and the researcher reached the following conclusion: in order to oppose this Operations that exclude the gradual development and prosperity of countries and peoples, states need to ensure a reasonable mix of national and international legal regulations that do not allow mixing areas of their work, developing internal protection mechanisms and protecting rights and Interests of public relations.

KEYWORDS: Relationship, rights, opposition, security, organization, society.

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I. INTRODUCTION

In the modern era, the role of international law and international legal procedures is increasing rapidly, and as a result, the assumption that law must serve the interests of a particular state and people, and is a form of protection against threats to national security, which is the assumption of national security, is of particular importance. As a result of its development, and here appears a "supranational" phenomenon, this phenomenon characterizes transfers of power in some areas of legal organization from the state level to the supranational level, in particular, when revealing a supranational concept, we are talking about countries that create a society of integration - international organization - enabling its bodies to make decisions binding on participating countries (in certain cases, the goals and behavior of the country are transferred to the supranational level) [1].

In order to better understand the phenomenon under study, we must take a short trip in history. Therefore, we note that the concept of "transnational" appeared in foreign literature after the establishment of the European Coal and Steel Association (EUSC), where the agreement to establish EUSC was signed in Paris in 1951 AD, and six developed countries in Western Europe became participants in it: France, Germany, Italy, Belgium, the Netherlands, and Luxembourg; It aimed to unify Western Europe during the Cold War, and the group is the first organization based on higher principles than the principles of nationalities, and the basis for building and operating the legal mechanism of the EUSC was based on the idea that the risk of a new war between Western European countries would decrease significantly if a large transfer of power over the administration of Coal and steel industries to the institutions of the economic community, where an agreement was established to establish the Eurasian Economic Union, which includes the powers to regulate the areas it covers, and the result was "the transfer of important regulatory powers to society's institutions, mainly to the supreme body, which consists of international officials independent of states Members, due to the loss of the corresponding share of these powers, by the national authorities, in light of the broad powers of the EUSC institutions, the supreme body, cabinet, assembly, and supranational court were summoned [2]

We also find it in the Maastricht Treaty signed in 1991, which established the European Union; The treaties amending them, which have established federal institutions over the national institutions of Member States, are also found in the ICC system; As it no longer enjoys the immunity of heads of ratifying or non-ratifying states; Significant in the event that they committed international crimes, which means that they have immunity within their own countries, and not outside it, where we can say that the developments in the international system have followed; Despite this developments, it has reduced the traditional powers and functions of the state; But it did not come upon sovereignty, but sovereignty at the present time faces a difficult situation because of the restrictions, controls and conditions imposed on states in exercising their sovereignty, but it remained on the basis that it is a necessary tool for regulating relations between states; It remains what the nation-state remains, as the term "supranational" is enshrined legally in the Paris Treaty, by analyzing the provisions of the treaty that established the EUSC, and that "transnationalism is understood as the independence of members of the supreme body from the instructions or influences of member states" [3].

II. THE PURPOSE OF THE STUDY

Defining the concept of the international organization and defining the state's sovereignty in accordance with this concept.

Features of the supranational phenomenon:

Therefore, we have provided a short historical background, which allows us to understand some of the features of the supranational phenomenon that we are studying now, in order to ensure the conditions for objective evaluation, we summarize the main advantages that you possess, therefore, resorting to generalizing the opinions of international lawyers participating in the study of the cases we identified, in our opinion , A distinction must be made between a number of transnational marks, including [4]:

1) Transferring part of the sovereign powers that belong to countries in specific regions on specific issues on the basis of international agreements from the state level to the supranational level - to the non-representative bodies of an international organization independent of member states.

2) The right of international regulatory bodies working within their jurisdiction to take decisions by majority vote without approval and against the consent of Member States in the form of specific acts; Their legal status under the treaties operating within the framework of this organization; Moreover, these decisions are binding on member states, which have a direct impact on their territories and also binding on individual and legal entities of member states; This right is often guaranteed through the ability to impose sanctions on "violators" in the event of non-compliance with the decisions of international regulators.

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3) Authority over the state over a specific set of issues.

With reference to the three previously mentioned signs of proving border crossing, such signs are often highlighted as well; Such as the ability of an international organization to interfere in state affairs in issues related to the internal efficiency of states, in addition, some researchers confirm, as an indication of the superiority of nationalism, the ability of the organization's institutions to broaden the limits of its competence independently, and we believe that recognition of these two features is dangerous, from the point of view The question of state sovereignty, therefore, we run the risk of crossing the line when we talk about the transfer of some of the sovereign powers of states in some cases to the supranational level and when we really have to recognize the actual restrictions of state sovereignty as a result of this transfer.

Previous studies:

Some studies indicate that the essence of supranational supremacy is as follows: "The domestic law of the supranational society automatically becomes the internal legislation of its members, and it is created by a body that operates legally outside the control of member states and decision-making states that commit, regardless of the negative status, towards it from Before one or several countries, while the related issues are removed in whole or in part from them, but the rest of the signs, in the opinion of the researcher, are much less important and not important, "where Konets considered in the early fifties of the last century that transferring an international organization is part From its sovereign powers and empowering it with relevant competencies to be implemented by member states, where according to I. Kunts, "International law as a whole should be supranational," we are forced to disagree with this conclusion, since the most important topics of international law are countries that do not They belong to different types of integration societies, but primarily in the state. In our opinion, international organizations only work as a form of assistance, performing political, economic and legal functions. On the one hand, they are called upon to play a role in the system of checks and balances in the field. Political and resist the growth of conflicts and contradictions between countries; Within the framework of the first mission, "and from here it is necessary to talk in the first place about the tasks of ensuring political and military security. The second task is to establish an economic and legal framework to implement effective cooperation between countries in the field of trade, but this interaction is impossible to achieve if the countries that have parties have relations Confrontation and there are no legal mechanisms to change its nature and create a platform for cooperation, the listed jobs can be evaluated as essential.

However, taking into account trends in the modern system of international relations, we are forced to announce the fact that another major topic of international legal relations appears on the world stage - associations of integration, whose bodies have a certain degree of authority (transferred to them from the state level) and their decisions binding on states Members, international organizations no longer have to limit themselves to the functions mentioned above, they are obliged, in all likelihood, to exercise so-called compulsory jurisdiction, which guarantees the application of measures (penalties) to persons of international law, among other things a number of pending cases arise; For example, why are you representing and protecting the interests of this topic? What is the situation that we leave to the states? Do we now have the right to name this fully sovereign regional organization? The answers to these questions are very mixed.

Of course, with regard to the accelerating processes of globalization, in the economic, social, cultural and legal spheres, classic ideas of state sovereignty are subject to some changes; Therefore, we can no longer claim that the independence of states in international relations, previously understood as the absence of "authority over the state", provides for mandatory rules of conduct for the state in international relations "and the need for states to agree to bear the obligation to implement specific and acceptable decisions On the international level, which is a feature of modern law sanctions, but taking into account the trends referred to, which distort the provisions of the classic theory of sovereignty, without which states would not have been able to transfer their sovereign powers voluntarily to the member bodies of their international organizations, and to deepen and complicate global integration Operations in various fields. Other mechanisms for international interaction should be sought.

Supranational models:

Experts define two supranational models: institutional and non-institutional, as a result of applying the first model in practice, we have a supranational phenomenon, which has the advantages described earlier in this study, the non-institutional model is "the parties' adoption of their obligations to exercise their jurisdiction within the framework of an international treaty, without creating bodies" With supranational powers ", in this case; It tends to talk more about the supranational model, but about a form of international integration, which is called the contractual, non-organizational model, in which there is no establishment of an international organization, but coordination and state cooperation to solve

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specific issues on the basis of international treaties and agreements, it seems that this form of International interaction and regulation of the system of international relations is most preferred [5]

This form of international interaction and system regulation appears to be the most preferred international relationship; Contrary to the claims of international experts, when faced with the phenomenon of supranationalism, we are not talking about limiting sovereignty, on the contrary, which is the realization of the sovereign right of states to transfer a certain amount of state jurisdiction to an international organization taking into account ambiguity of opinions about the signs above Nationalism, there is still fear of the impact of ongoing operations on the full sovereignty of the state [6].

Contrary to the claims of international experts, when faced with a supranational phenomenon, we are not talking about limiting sovereignty, on the contrary; It is the realization of the sovereign right of states to transfer a certain amount of state jurisdiction to an international organization, taking into account ambiguity of opinions about supranational marks, as there is still fear of the impact of ongoing operations on the full sovereignty of the state.

The threat of restrictions on state sovereignty increases more and more due to the following circumstances, “In the legal literature, there is an opinion that states voluntarily give up part of their sovereign rights and refer them to international bodies with appropriate powers, and as a result, the individual becomes directly the subject of international law,” he says. Researchers: "The importance of this problem has increased significantly in recent times with regard to the expansion of international legal protection for human rights and freedoms, including the possibility of submitting an application to the European Court of Human Rights," referring to R. Chamson's view. T. F. Sorokin notes that "in modern circumstances, the vast majority of European, Arab and Russian scholars recognize to some extent or another the individual as a subject of international law, for example, (subject of international law of the second category)" [7].

In fact, this means that human rights and freedoms have been largely ignored in the internal jurisdiction of the state (as opposed to the Soviet creed, under which the human rights organization was an internal matter of the state) and increasingly became the subject of international regulation.

The recognition of the international legal personality of individuals, on the one hand, serves as a justification for the liberation of the individual, on the other hand, as a means of invading the globalization of the internal affairs of sovereign states, "Consequently, we note an increase in the bias in the connection of the interests of" personality - society - state "through the use of tools International Information and Legal Impact [8].

As a result, the need to ensure its balance has already been rejected, and with the increasing role of bodies of a number of integration associations (for example, the European Union, the World Trade Organization, the International Monetary Fund, etc.), the role of the state is the most important, in our view, it is a subject International law is the equal holder of one of the three interest groups in the "immortal" triple personality - society - the state, on which the legal system is based on each point of our plan, image, and the world at large.

Because of the aberration referred to and the strengthening of the priority of human rights, freedoms and interests (the practical implementation of their rules and their protection at the expense of two groups of other interests, which as a result were not reflected in the interest of the individual), it is easier to standardize domestic and international legislation - because it provides a global content that goes beyond the idea of standardization because of what appears to be It is an indisputable issue on the rule of human rights, freedoms and interests among other interest groups. As a result of this unification, states do not only receive experience of legal regulation from other legal systems, legal convergence and implementation of some provisions of international treaties and agreements [8]

There is a reverse process of internationalizing law, as a result of which international law is formed on the basis of the interaction of national legal systems, in other words, supranational legal rules and procedures are descended to the national level: uniform international legal rules and procedures are implemented as part of domestic law, often without changes, and without adaptation What is necessary with internal conditions - in other words, the domestic legal systems mentioned in compliance with international law, the exclusivity of states and nations has been ignored and the need to preserve their identity to ensure national security [9]

According to the conditions described, we agree with the opinion of V.V. Sorokin, who says that when defining the optimal forms and methods for solving the problem of unifying domestic and international legislation, it is necessary to "ensure a reasonable set of national and international interests, taking into account the state's need to preserve its identity, including the foundations of the

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constitutional system, details of the application of state sovereignty, and government regulation" And three times in the legal system. "

In essence, standardization leads to "erosion of legal families", "There is a mixture of different types of legal systems, which are more evident in the convergence between the continental legal system and the common law system." Mixing operations should be considered, as a general rule, what is called legal convergence, "Because of the legal convergence, there is a mutual enrichment of the law in various fields," however, "in light of globalization, the law is strengthened on a comprehensive, comprehensive, artificial and robust scale." In this case, "there is no need to talk about the mutual enrichment of law and national order in the context of Globalization ", which occurs in the context of classical convergence [9], [10].

VV Sorokin says, "Contemporary scholars emphasize the idea that in the context of globalization, the concept of the objective boundaries of international law must be a thing of the past, and today it will create rights and obligations not only for states, but also directly for individuals and legal entities, and it has a direct impact in the local sphere, It is recognized in international law in many countries of the world as an integral part of the national legal system, the democratic form of existence obliges us to do so [10].

III. RESULT AND DISCUSSION

Thus, by defining the basic law of the state, international law, and domestic law in the event of conflict, the emergence of "model legislation", the rapidly increasing practice of receiving law and the use of other methods, and the boundaries between these two laws are progressively unclear systems, however, VV Sorokin says: It is "no" The line between international and domestic law must be erased, because this would suitably violate their performance of their jobs, as each of these legal systems has its own nature, its own field of work, its own goal, and its own mechanism of work, depending on the security of states and peoples, interaction may occur In-depth between the two legal systems, rather than blurring the boundaries between them, moreover, the concept of this interaction must be based primarily on the "principle of spiritual and cultural identity" of peoples and states and the sanctity of their sovereignty.

Hence it is worth noting that given the increasing volume of interaction between countries (especially in the area of economy and trade, or as a result of cooperation in specific areas, on specific issues of international cooperation on the basis of global legal regulation of trade and capital flows, for example, employment), In the context of regional integration societies and the use of such supranational legal entities is unavoidable and appropriate, however, when it comes to imposing the decisions that their bodies take on Member States in international organizations that affect, in particular, internal regulation and the application of sanctions by The international community and the means of military-political influence on states, and the use of non-democratic political behavior behaviors in which the local government violates the rights of its citizens, here we are forced to talk about an unacceptable mixture of elements of the international and national organization of rights and the unacceptable transformation of these interventions at home in the affairs of countries undertaken by international systems Regulatory bodies, and as a result, the de facto reduction of state sovereignty is a "reaction" that violates the principles of international law themselves, which must be at the forefront, and therefore, as a result of it These phenomena on the world stage, we see that the principle of equality violates the rights of peoples and self-determination, and the principle of non-interference in the internal affairs of states and equality of sovereignty between states, in addition, in our opinion, as a result of the use of the means of influence described in the framework of the activities of United Nations bodies, it is reasonable to say That the supranational phenomenon has global dimensions.

Regarding the violation of the principles of international law mentioned above as a result of "nationalization" operations, we note the following: To refute the fact that these principles have been violated, researchers note that they are consistent with Article 2, paragraph 7, of the United Nations Charter, the organization has no right to "intervene in matters relating to , In essence, the internal jurisdiction of any state, "however, as ON Shpakovich notes," it must be taken into account that some events that occur in a particular country may be eligible, for example, by the UN Security Council, because they are not strictly related By the internal effectiveness of the country. "Therefore, we face the possibility of a broad interpretation of this provision of the United Nations Charter as a result of his statement, which indicates that the scope of the internal affairs of a country in which the United Nations is not entitled to interfere but is limited only to those that relate mainly to the interior, and as a result, loses the notion The intervention is absolute although we are of course talking about a threat to international peace and security, we are not talking about the internal affairs of any country, but about global and international interests, however, and based on the practice of building international relations that has evolved in recent years and even decades. Finally, international organizations may include those issues that have nothing to do with the aggression against international

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peace and security and that only fall under the jurisdiction of a particular country.

Here, we wonder, where are the necessary and permitted limits for international legal regulation? In our opinion, it should be limited to the use of international judicial remedies in the event of a violation of human rights, as well as the establishment of an international legal framework for the regulation of trade and customs relations on the basis of the use of forms of complementarity outside the above-mentioned contractual regulatory models, and it is fully recommended to use the international legal procedures mechanism in the case of Violation of human rights if there is an international crime, and also if all internal methods of protecting rights have been exhausted, and a fair decision has not been issued that provides more comprehensive protection for the violated right, but the application of sanctions and military-political means to influence countries where violations of human rights and freedoms are unacceptable .

Using the comparative legal research method, some studies have shown that the constitution of some countries: "does not contain a direct reference to the place of international treaties in the hierarchy of normative laws of a state (with the exception of an explicit reference to the incorporation of the constitution from the norms of international treaties)" This gap is filled by other legislation, according to the laws "On the normative legal laws of these states" and "on international treaties," the legal norms contained in the international treaties of those states that have entered into force have the power of normative law that expresses the state's consent to an international treaty, in our opinion, the legal status in which it is regulated The rules that govern the law for those countries that link the application of international and national law in this way is a deliberate reason for political reasons, in particular, the authorities of those countries are trying to use legal instruments to protect their country from the undesirable impact of international legal standards, and therefore of the international political and legal processes that occur In a modern world full of contradictions, this, in our view, is definitely positive.

IV. CONCLUSION

The question of the appropriateness of borrowing the experience of those countries in the issue of the place of international law in the national legal system is ambiguous, because, in our view, decisions regarding approval to link international treaties with the state must be made exclusively in the form of laws, however, the desire of legislators in these countries To limit and take note of the impact of international law on the country's legal system in respect of the primacy of our legal system of international treaty norms over domestic law, it seems appropriate to define the dominance of international treaty norms not only from the constitution of those states, but also from federal constitutional laws as laws Legislation based on a limited set of issues, devoted separately to those constitutional states, which have the highest legal authority in relation to federal laws and other higher regulatory legal procedures.

We note the following; In the modern world, there is a tendency to increase the impact of international law on national legal systems, not only in the area of trade regulation, but also in other areas (for example, in the field of spent nuclear fuel and radioactive waste management), and as a result, there is a consolidation of existing legal systems That helps reduce the uniqueness and identity of states and peoples, which is a prerequisite for ensuring their national security, as the transnational legal organization operates; In particular, under the auspices of the protection of human rights and freedoms, however, this slogan appears to serve only as an official reference to the international legal movement, and, as described above, simply has no right to exist due to the inability to separate and equal three groups of interests: - Society - State ", to confront these processes, which exclude the gradual development of countries and peoples and their prosperity, states need to ensure a reasonable mix of national and international legal organization that does not allow confusion in their areas of work, the development of internal mechanisms and primarily legal protection, and as a result, we will be Able to walk the path of mutual enrichment of the legal systems of our time, coexistence, mutual cooperation and benefit to countries based on international law, which takes into consideration and guarantees the original national legal systems.

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