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Kerimov A. Problematic Aspects of Legal Regulation Human Rights Activities of the Constitutional Court of the Russian Federation

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Abstract. *The article deals with problematic issues of legal regulation of the activities of the Constitutional Court of the Russian Federation for the protection of human and civil rights and freedoms. It also proposes a number of legislative definitions aimed at resolving issues such as overcoming controversial points of its competence, delineation with the rights and obligations of other courts, executive and legislative authorities, eliminating differences in the initiation of constitutional proceedings depending on depends on the method of filing the complaint.*

Keywords: *human and civil rights, freedoms, Constitution, Constitutional Court, judicial system, legal regulation.*

In Russia, an extensive system of law enforcement agencies operates in order to prevent and suppress violations of human and civil rights, freedoms and legitimate interests. At the same time, there are a number of reasons that often lead to controversial issues regarding the compliance of a specific life situation, ordered by a certain normative legal act, with the norms of the Constitution of Russia. Such reasons, in our opinion, include: imperfection of legislation and law enforcement, insufficient level of legal awareness and legal culture of the population and government employees, etc.

In this case, the competence of law enforcement agencies does not allow them to make a legitimate decision, and the significance and importance of the Constitutional Court of the Russian Federation as an institution of public authority in such situations becomes obvious.

Accordingly, there is no doubt that in a modern developed democratic state, the judiciary occupies a special place among the legislative and executive branches of government, since it plays a leading role in the mechanism of checks and balances and in ensuring the rights and legitimate interests of the individual.

The effective exercise of judicial power as one of the main elements of the mechanism for the protection of human and civil rights and freedoms contributes to ensuring the rule of law in the State, and its real state is the most important criterion and indicator of the development of the state and the transformations taking place in it.

The leading place in the mechanism of protection of the Constitution and, accordingly, human and civil rights and freedoms belongs to the Constitutional Court of the Russian Federation.

The Constitutional Court of the Russian Federation, being an institution of public authority, has historically proved its dominant role in ensuring and protecting the rights and freedoms of man and citizen, and a retrospective analysis of its activities reflects the fact that one of the imperatives of its evolution is the constant improvement of the effectiveness of its human rights activities.

Considering the Constitutional Court of the Russian Federation as a judicial authority, it should be noted that it is a basic part of the judicial system of the Russian Federation and functions within a single legal space, carrying out constitutional justice in order to ensure all-Russian constitutionalism.

Thus, the special place of the Constitutional Court of the Russian Federation in the human rights system of the state is expressed in the exercise of its powers, namely, in checking the constitutionality of normative legal acts, including those that affect the rights and freedoms of citizens and, on the contrary, in not considering specific criminal cases, civil and civil procedural disputes.

In this regard, it is important to understand that the Constitutional Court of the Russian Federation resolves exclusively legal issues and, in exercising its powers, refrains in every possible way from establishing and investigating the factual circumstances of the case in all cases where this falls within the competence of other judicial instances or public authorities.

It is necessary to agree with N.A. Kokotov[1] that the main features of this legal institution are fixed in Article 1 of the Federal Constitutional Law №. 1-FKZ dated 07/21/1994 "On the Constitutional Court of the Russian Federation" (FKZ "On the Constitutional Court of the Russian Federation" - hereinafter), defining it as the highest judicial body of the constitutional control and independently exercising judicial power through constitutional judicial proceedings.

Over the past thirty years, the institution of the Constitutional Court of the Russian Federation as an institution of public authority, on the one hand, has undergone significant changes, which are continuing at the present time, and on the other hand, has historically proved its paramount importance for the entire structure
of the state and civil society, acting as an obligatory, dominant element of the mechanism for ensuring human and civil rights and freedoms.

The Constitutional Court of the Russian Federation, carrying out its practical activities, occupies an important place in the mechanism of ensuring human and civil rights and freedoms, including through improving the legal system of the state. Despite the controversial nature of attributing decisions of the Constitutional Court of the Russian Federation to the system of sources of Russian law, it should be noted that they have a precedent character expressed in the presence of signs of normativity and obligation.

In general, analyzing the legislatively enshrined powers of the Constitutional Court of the Russian Federation, one should agree with the authors (Zharenov D.A., Urzhumtsev D.A.) who believe that “it acts as an effective guarantor of the real functioning of the system of "checks and balances",

one of the subjects of real control over the current legislation. Individual decisions of the Constitutional Court of the Russian Federation undoubtedly had a significant impact on the development and practical implementation of the idea of separation of powers in the Russian Federation"[2].

It is important to understand that in its activities, the Constitutional Court, analyzing any particular life case, provides not individual protection of rights and freedoms, but the entire set of subjects of Russian law, thereby realizing their public interest.

Recently, the legislator and the Constitutional Court itself have adopted a number of acts aimed at improving its activities to protect human and civil rights and freedoms, overcoming controversial issues of its competence, its differentiation from the rights and duties of other courts, executive and legislative authorities.

Among them, it should be noted the adoption of the Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation dated March 14,

dated 07/21/1994 "On the Constitutional Court of the Russian Federation", as well 2020, as amended on November 9, 2020. Federal Constitutional Law №. 1-FKZ as Resolution of the Constitutional Court №. 48-P dated November 26, 2020.

At the same time, despite the significant adjustment of its powers and the detailing of certain procedural aspects, it is quite obvious that the process of improving the current legislation in this area has not been completed.

Analyzing the place of the Constitutional Court of the Russian Federation in the field of protection of human rights and freedoms, as well as its legal status, certain provisions and gaps were identified, the correction of which, in our opinion, would contribute to improving the effectiveness of the mechanism for ensuring individual rights in our state.

Without claiming to be the ultimate truth, I believe that among the controversial aspects of the normative legal regulation of the activities of the Constitutional Court of the Russian Federation, the overcoming and replenishment of which should be paid attention to in the short term, should be highlighted:

- the lack of opportunity for citizens to file a complaint with the Constitutional Court of the Russian Federation against the law to be applied in the case;

- requires the revision of Article 97 of the Federal Code of Criminal Procedure "On the Constitutional Court of the Russian Federation", in which it is necessary to clarify the concept of "law affecting the constitutional rights and freedoms of citizens";

- lack of definitions of constitutional procedural legal capacity, constitutional procedural legal capacity;

- the gap in the constitutional process of protecting the violated rights of an incapacitated person;

- there is no clear legal regulation of the institution of succession in constitutional proceedings;

- the current procedural codes do not fully comply with the Federal Law on the Constitutional Court of the Russian Federation[1].

We are convinced that in order to implement the constitutional principles of equality of the parties to the proceedings and justice, it is necessary to return to citizens the right to file a complaint with the Constitutional Court of the Russian Federation against the law to be applied in the case by the court.

In our opinion, the consolidation of this right would protect the individual from possible violations of his fundamental rights, freedoms and legitimate interests. At the moment, this right is the competence of the court of general jurisdiction.

Meanwhile, the negative consequences of criminal proceedings for the person against whom they are being conducted and which is expressed in the application of criminal liability measures to him may depend on the presence of a defect in the law, for its compliance with the Constitution of Russia, the detection of which remains at the "discretion" of the court, that is, only one of the participants in the process. This approach seems limited and does not contribute to the protection of human rights and freedoms.

Overcoming this situation is possible by making an addition to paragraph 3.4 of the first part of Article 3 of the Federal Criminal Code "On the Constitutional Court of the Russian Federation" as follows:

- 3.4 at the request of citizens who are participants in the consideration of a particular case, in the absence of requests specified in paragraphs 3.1-3.3 of this Article."

Also, in our opinion, another direction for improving the normative legal regulation of the activities of the Constitutional Court of Russia in the human rights sphere is the need to introduce a legislative definition of the concept of "law affecting the constitutional rights and freedoms of citizens."

In Article 97 of the Federal Code of Criminal Procedure "On the Constitutional Court of the Russian Federation", the following note should be added: "The law affects the constitutional rights and freedoms of citizens if the rights and (or) obligations of subjects of legal relations regulated by it are based on the constitutional rights, freedoms and duties of a person and a citizen[2]."

The theory of law unambiguously interprets the legal personality of a participant in legal relations as a necessary imperative of his possession of powers, duties and responsibilities arising from his participation in them. At the same time, sectoral procedural legislation within the framework

[1]Constitutional Court of the Russian Federation: Federal Constitutional Law No. 1-FKZ dated 07/21/1994 (as amended on 11/19/2020) // Sobr. The legislation Was growing. Federation. – 1994. – №. 13. – St. 1447; 2020. – № 46. – Article 7196.

[2] Pankova O.V. Justice in modern Russia: the concept and features // Bulletin of the Peoples' Friendship University of Russia. - Series: Legal Sciences. - 2018. – vol. 22. – №. 4. – pp. 527-546.

of its subjects, focuses on the content of legal capacity and legal capacity. We believe that these concepts should also be reflected in the framework of constitutional legal proceedings, by linking them to the subject's right to protect the constitutional rights and freedoms of man and citizen. In this regard, I propose to add Part 2 to Article 35 of the Federal Code of Criminal Procedure "On the Constitutional Court of the Russian Federation" the following definition:

- 2. The ability to have procedural rights in constitutional proceedings is recognized equally for all participants in constitutional proceedings who have the right to protect the constitutional rights and freedoms of man and citizen."

In the above proposal, another controversial aspect is touched upon, the absence of which directly limits the possibility of protecting the rights and legitimate interests of incapacitated citizens. In our opinion, it is necessary to introduce the "institution of legal representatives" in constitutional proceedings to protect the rights and freedoms of citizens under the age of 18, as well as those recognized as legally incompetent or limited in legal capacity.

In addition, it is necessary to pay attention to the fact that the current normative legal acts containing norms of a procedural nature do not provide the right to directly correct and amend a court decision rendered on the basis of an unconstitutional law in respect of other persons who were not participants in constitutional proceedings. In our opinion, this state of affairs entails contradictory judicial practice.

Taking into account the above, I consider it advisable to amend the existing normative legal acts containing norms of a procedural nature, in terms of fixing provisions in them determining that procedural documents initiating an appeal, review of judicial acts rendered, may indicate decisions of the Constitutional Court of the Russian Federation rendered after the adoption of the appealed court decisions.

Thus, the proposed proposals to improve the legal regulation of the activities of the Constitutional Court of the Russian Federation in the field of human rights are aimed at correlating individual relations arising in the process of constitutional proceedings in accordance with the implemented constitutional principles, which ultimately would contribute to improving the effectiveness of ensuring the rights and legitimate interests of the individual in the state.

Recognizing the controversial nature of individual proposals, I am convinced that the current legislation in this area requires constant monitoring and improvement.

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SECTION 2. EDUCATION, EQUALITY AND DEVELOPMENT

UDC 371.2

Bashmakova N. The problem of interdisciplinarity through the prism of the history of its development in the domestic and foreign tradition.

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Abstract. *The article deals with the problem of interdisciplinarity through the prism of the history of its development in domestic and foreign tradition. The article identifies effective methods of formation of interdisciplinary competencies of university specialists, on the example of specialists for the judicial system. The difficulties of their application in the Russian tradition are traced. The article reveals the advantages of using the case method for teaching disciplines of social and humanitarian cycle, in particular teaching a foreign language of the profession.*
Keywords: *Interdisciplinarity, foreign language profession, professionals for the judiciary, challenges, interdisciplinary competencies.*

Introduction

The problem outlined in the study is of great importance in the context of new challenges that countries face in the 21st century.

Representatives of scientific communities belonging to different academic schools rightly argue that the scope of such complex problems as improving the level of education, population well-being, innovative development, requires the integration of views and experience of specialists from different professions in order to see and solve the problem as a whole.

Based on the Atlas of New Professions, most of the specialties that will be in vogue in the next ten years are not only at the intersection of two or more professions (agronomist-economist, network lawyer, education platform coordinator, IT-medic, etc.), but also require digital skills. Due to the fact that many tasks currently performed by employees in various spheres will be automated or will disappear altogether, there is an urgent need for students to develop competencies that will enable them to work in the convergence of digital, social, financial and production technologies [1].

In this regard, it seems necessary to briefly dwell on the evolution of this problem from the late 60s to the present, to identify effective methods for the formation of interdisciplinary competencies, to outline the advantages of their application in the teaching of disciplines of the social and humanitarian cycle [4].

2. Material and methods

The analysis of available sources on this problematic allowed us to state that for the first time the issue of describing interdisciplinarity, and subsequently typologizing it, was raised in the late 60s by a famous scientist, German sociologist René König [2,3].

In the 80s, this scientist was opposed by the Russian researcher E.M. Mirsky [5], who presented a classification of interdisciplinarity, according to which its first type includes interaction between the objects of disciplinary knowledge, and the second type includes interaction between researchers who jointly study one object. In the 1990s, this problematic was studied in the works of Russian scientists V. V. Kraevsky, V. M. Polonsky and G. P. Shchedrovitsky [7], where the key emphasis was placed on two scientific disciplines that unite sciences by object, subject and method.

In the first decade of the XXI century, interdisciplinarity of socio-humanitarian research begins to acquire cognitive and organizational features. As for the cognitive approach, interdisciplinarity implies going beyond the limits of knowledge accepted in one science. Organizational approach implies the creation of scientific teams whose members are in constant communication in the course of interdisciplinary research. Here we should name such researchers as S. P. Pozdneva [6], V. A. Lukov [6].

The modern view of the problem considered in the study is somewhat different from those mentioned above. Today, researchers mainly emphasize interdisciplinarity in the context of interdisciplinary educational programs and projects, criteria for evaluating interdisciplinary research. In the domestic tradition it is possible to designate such researchers as Kitikar [3], Lysak [4], Senashko [8] and others.

Digital transformation of society, development of Industry 4.0, accelerated transition to distance learning format in the pandemic period forced employers to revise the requirements for future university graduates.

This in turn led to the need to actualize approaches to the formation of universal and professional competencies, which were supplemented by digital competencies (use of digital devices, ability to find information using digital devices, use of social networks functionality, critical perception of information, ability to create multimedia content, etc.) [8].

In the case of disciplines of the social and humanitarian cycle, the method of case studies seems to be an effective method for the formation of interdisciplinary competencies in the training of specialists for the judiciary.

This method can be rationally applied to ensure interdisciplinary training of graduates of higher education institutions, particularly for the judiciary. This method has been successfully applied for training, for example, in technological, tourism and medical disciplines.

At the beginning of the 21st century, the changes taking place in education have been characterized by many analysts as a transition from classical to post-classical education. This transition has manifested itself in a change in the goals and values of education.

In the case of disciplines of the social and humanitarian cycle, in particular, when teaching a foreign language to the profession of specialists for the judiciary, this method allows:

- to work out the skill of searching and analyzing information not only of legal, but also of interdisciplinary nature in the foreign language of the profession;

- to develop the skill of accurately and clearly presenting one's own point of view orally or in writing in the foreign language of the legal profession;

- acquire the skill of applying professional knowledge to solve a practical problem in the foreign language of the profession;

- form the skill of interpersonal interaction and teamwork.

In the author's opinion, the application of this method for the formation of interdisciplinary competencies of future specialists for the judiciary may be associated with some difficulties.

The first difficulty is related to the general orientation of education development, its focus not so much on obtaining specific knowledge as on the formation of professional competence, skills and abilities of thinking activity, development of personal abilities, among which special attention is paid to the ability to learn, paradigm shift in thinking, the ability to process huge arrays of information;

The second stems from the development of requirements to the quality of a specialist, who, in addition to meeting the requirements of the first trend, should also have the ability to behave optimally in various situations, his actions should be characterized by systematicity and efficiency in crisis conditions.

3. Results of the study and discussion.

Results of the study:

1. The origins and history of the development of interdisciplinarity in the foreign and domestic tradition were investigated;

2. The method of case studies is seen as an effective method of forming interdisciplinary competencies in the training of specialists for the judicial system.

3. The case method should be considered as a methodological innovation, the spread of which is directly related to the changes taking place in both domestic and foreign education.

4. The difficulties of applying the case method in the higher school of the Russian Federation are revealed.

Conclusion

The problems stated in the article are important for further study. Special attention should be paid to the case method, which, despite some difficulties in its application, can be considered an effective means of organizing the training of specialists for the judiciary during the teaching of disciplines of the social and humanitarian cycle.

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UDC 37

Obraztsova A.I. Social development through modern digital technologies

Социальное развитие посредством современных цифровых технологий

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Abstract. *This article examines the impact of modern digital technologies on the no less modern world in its various forms: education, economics, healthcare, etc. The positive impact of digitalization is considered not only on society as a whole, but also on the development of the rights and opportunities of certain categories of the population.*

Keywords: *digital technologies, digitalization, distance learning, e-government, innovation.*

Аннотация. *В данной статье рассматривается влияние современных цифровых технологий на не менее современный мир в его различных ипостасях: образовании, экономике, здравоохранении и др. Рассматривается позитивное влияние цифровизации не только на общество в целом, но и на развитие прав и возможностей отдельных категорий населения.*

Ключевые слова: *цифровые технологии, цифровизация, дистанционное обучение, электронное правительство, инновации.*

Цифровые технологии современного мира способны на многое: повысить производительность труда, улучшить производство и распространение товаров или услуг, увеличить способы поиска работы для тех, кто в ней нуждается, и (с недавних пор) реализовать возможности дистанционной работы, что, конечно же, позволяет выстраивать определенный баланс взаимоотношений «работа-личная жизнь». При этом приятным бонусом еще может стать увеличение дохода.

Но, к сожалению, не все так радужно, как оказывается при первом знакомстве. Большая часть преимуществ и опционных возможностей в сфере труда не автоматизированы и не являются гарантийными для населения. На вопрос «почему» ответ будет лаконичным: для реализации и обеспечения прав трудящихся необходима законодательная база. Внедрение и разумное использование данного инструмента позволит органам социальной защиты своевременно удовлетворять растущий спрос населения на получение льгот или финансирования, а также позволит принимать новые вызовы для развития сферы труда.

При закрытии этих пробелов решаются сразу две крупные задачи. Первая – снижение уязвимости трудящегося при экономике свободного заработка во избежание нищеты населения. Вторая – размытие границ между участниками «старой» и «новой» экономикой. Таким образом, адекватная социальная политика по отношению к различным категориям

трудящихся не только защитит их положение на экономической арене, но и создаст более равные условия для игроков.

Доступ людей к качественному образованию, хорошо оплачиваемой работе, доступному и достойному жилью, досугу, защите, а также полноценное участие в жизни общества и государства – все это следствия социальной инклюзии, которая появляется благодаря цифровым технологиям.

На текущий момент стратегии развития сферы здравоохранения (в области цифровых технологий) не только создаются, но и активно используются. Важнейшим достижением можно смело считать 3D-печать, которая используется в медицине для изготовления сложных индивидуальных протезов или хирургических имплантатов. Имплантаты и протезы любой возможной геометрии могут быть изготовлены переводом рентгеновских, МРТ- или КТ-снимков в модели для 3D-печати с помощью специального программного обеспечения. Еще один важный сервис, который доказал свою эффективность на практике во время пандемии COVID-19 – сервис «Телемедицина». Разработка позволяет быстро подобрать специалиста широкого/узкого профиля и получить оказание медицинских услуг непосредственно через любое устройство (мобильный телефон, планшет, компьютер и т.д.), в любое время и в любом месте. Таким образом, пробел отсутствия инфраструктуры или недостаток персонала в отдаленных населенных пунктах закрывается.

Помимо прочего, цифровые технологии в виде электронного обучения, электронных медицинских карт и, конечно же, искусственного интеллекта обеспечивают своевременную и точную информацию о пациенте, следовательно, повышают точность поставленных диагнозов, улучшают лечение. Ученые из США применили нейросеть ChatGPT для работы в качестве терапевта и обнаружили, что система ИИ справилась с постановкой диагнозов в 77% случаев и правильно подобрала терапию в 68% случаев. «Это делает нейросеть сопоставимой по уровню компетенции с молодыми врачами и выпускниками медвузов», заявляет пресс-служба некоммерческой организации здравоохранения Mass General Brigham.

Образовательная сфера в том числе связана с цифровыми технологиями, а сейчас наиболее тесно, ведь пандемия COVID-19 поспособствовала ускоренному внедрению инноваций, непрерывного обучения и реализации средств дистанционного обучения. После пережитого кризиса цифровые технологии стали фундаментом для создания наиболее открытых и гибких систем образования.

Цифровые технологии используются в сфере сельского хозяйства, повышая эффективность переработки сельхозпродукции. Для продовольственной безопасности этот факт имеет принципиальное значение. Помимо этого, в сфере строительства также, как и в медицине, используется технология 3D-печати, которая позволяет процессу строительства быть менее затратным и более экологичным, но главное – более доступным для населения за счет

сниженной стоимости (по статистике около 1 миллиарда населения Земли живут в трущобах, а 600 миллионов вообще не имеют адекватных жилищных условий).

К инфраструктуре цифровой экономики относится большое количество новейших информационных и коммуникационных технологий: облачные вычисления (Cloud Computing), Big Data, интернет вещей (Internet of Things, IoT), блокчейн, криптовалюта – все эти технологии имеют цифровую платформу – набор программ, дающих пользователям возможность доступа к информации и различным сервисам, предназначенным для планирования, анализа и предоставления связи с рынками. Эти системы уменьшают затраты на транзакции и ускоряют взаимообмен информацией.

Могут ли цифровые технологии совершить революцию в расширении прав человека? Конечно, если применять их, к примеру, для расширения прав маргинализированных людей или инвалидов (составляют 15% населения мира). Создание онлайн-платформ позволяет получить доступ к государственным услугам, разработка электронных курсов для учеников с когнитивными нарушениями устранит препятствия для обучения и др.

Органы власти различных уровней от национальных до местных реализовывают задачи электронного правительства, оказывают услуги в онлайн и офлайн форматах (регистрация предприятий, погашение задолженностей, получение документов и пр.), что особенно ценно для людей из отдаленных регионов. Информационные технологии способствуют не только сближению правительства и населения, но также имеют колоссальный потенциал для общественного и государственного развития.

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UDC 37

Obraztsova A.I. The impact of mentoring on the evolution of modern legal society

Влияние наставничества на эволюцию современного юридического общества

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Abstract. *This article examines the basis of the modern institute of mentoring in the field of Russian advocacy. The difference between the concepts of "assistant lawyer" and "intern" is revealed. In addition, the importance of mentoring in law and a means of acquiring primary law enforcement competencies for law students has been determined.*

Keywords: *development of the legal community, trainee lawyer, assistant lawyer, interaction, mentoring, mentor, professional training, advocacy.*

Аннотация. *В данной статье исследован базис современного института наставничества в сфере российской адвокатуры. Раскрывается разница понятий «помощника адвоката» и «стажер». Вдобавок определено значение наставничества в юриспруденции и средства приобретения первостепенных компетенций правоприменения для студентов юридических факультетов.*

Ключевые слова: *развитие юридического сообщества, стажер адвоката, помощник адвоката, взаимодействие, наставничество, ментор, профессиональная подготовка, адвокатура.*

Для учащихся юридических факультетов, ровно, как и для профессиональных юристов, вполне естественно стремиться к получению максимальной выгоды от своей юридической практики. Для достижения целей стажеру необходимо определить для себя карьерный путь с четко намеченными стратегиями для осуществления их в реальной жизни. Сегодня развитие навыков soft и hard skills – ключевой шаг к тому, чтобы преуспеть в профессиональной сфере. Но еще один немаловажный, а порой и решающий фактор для начала студенческой карьеры – наличие опытных наставников, менторов и/или поддерживающего профессионального сообщества. Согласитесь, это значительно облегчает путь.

Для успешной карьеры в сфере юриспруденции необходимо больше, чем простое штудирование теоретических материалов и практика в юридических клиниках. Большинство успешных юристов связывают свой профессиональный успех с опытом, полученным от более опытных коллег. Этот метод обучения позволил им избежать распространенных ошибок и быстрее достичь своих карьерных целей с минимальными затратами. Поэтому молодые юристы, которые стремятся к карьерному росту, должны обращать внимание на возможность налаживания значимых отношений с надежным и опытным наставником.

Современная Россия получила такой уровень развития института гражданских прав и свобод, какого еще никогда не было в её истории, а наставничество – один из его важнейших

элементов, основанный на моральных нормах, а также ключевых принципов профессионализма и этики.

Вся история отечественной адвокатуры пронизана наставническими аспектами. Это древняя, хоть и неписанная традиция – совершенно естественная помощь, которая оказывается без высокомерия, снисхождения, а передачей опыта от более старших к более младшим. Углубившись в историю, мы убедимся, что данный институт очень дано зародился, но не реализовывался с точки зрения морального закрепления. Недавние события в стране изменили этот вектор, приняв два особенно важных нормативно-правовых акта: Положение о порядке прохождения стажировки и Положение о порядке работы помощника адвоката (оба документа утверждены Решением Совета Федеральной палаты адвокатов РФ от 27 мая 2020 года).

«Ты навсегда в ответе за всех, кого приручил» - писал нам великий А. де Сент-Экзюпери. Вряд ли он рассуждал о реалиях будущей адвокатуры, но с большой точностью понимал ответственность за своих протеже. Вышеуказанные документы обладают теми необходимыми закреплёнными положениями о взаимной ответственности стажера и адвокатского образования. Со стороны куратора адвокатской деятельности – гарантии, что стажер ознакомился с практической частью работы, а второй в свою очередь – перенимает опыт наставника и поглощает необходимые знания для работы.

Уходя об общего к частному, а именно к адвокатской палате Санкт-Петербурга, стоит отметить работу со стажерами. Не одно десятилетие уделяются вниманием вопросы воспитания молодых и, что немаловажно, квалифицированных кадров, преемственности опыта разных юридических поколений. Организация стажировочного процесса происходит с учетом традиций и обычаев, существующих с момента создания института адвокатуры и сохранившихся до наших дней.

Отчасти благодаря наставничеству так положительно восприняли изменения в Закон об адвокатуре, согласно которому учреждать адвокатский кабинет может лишь адвокат со стажем более 5 лет. Вполне логично, что в первые годы профессиональной деятельности молодые адвокаты имеют возможность поучиться у более опытных и только после этого уйти в самостоятельное плавание. В соответствии с уже знакомым нам Законом об адвокатуре адвокат вправе иметь помощников (ч.1., ст.27) и адвокат, имеющий адвокатский стаж не менее пяти лет, вправе иметь стажеров (ч.1., ст. 28). Разница между этими двумя институтами вполне существенна и очевидна. Первый, к примеру, ставит своей конкретной целью – получение статуса адвоката в ближайшем будущем. Помощник, конечно, тоже преследует такую цель, но несколько позже, отсюда и основное различие в требованиях. Стажеру необходимо иметь высшее юридическое образование, в то время как помощник может ограничиваться незаконченным высшим или средним юридическим образованием.

Наставничество — это про симбиоз, ведь влияние двух людей друг на друга всегда сопровождается двусторонним взаимодействием. Помощь протеже обладает следующими позитивными свойствами: достижение удовлетворенности карьерой, улучшение (укрепление) профессиональных связей и, конечно, повышение своей квалификации или самосовершенствование. Многоплановость и многозадачность работы адвоката часто не позволяет своевременно реализовывать эти моменты, а появление младшего коллеги – та самая причина обрести фокус на совершенствовании профессиональной деятельности.

А молодой протеже в свою очередь получает колоссальную информационную и психологическую поддержку, ведь благодаря советам и рекомендациям быстрее вникаешь в специфику адвокатской деятельности, разбираешься во всех юридических, этических и психологических нюансах. Будем честны: в ВУЗе не научишься работать с «живыми» оппонентами, доверителями, следователями. Плюс работа в адвокатском коллективе – постепенное погружение в профессию.

Поиск лучшего наставника для юридической карьеры зависит от конкретного видения карьеры и уровня, на котором студент находится и хочет быть в дальнейшем. Студенты-юристы могут найти подходящего наставника в ВУЗе различными способами: работа в юридической клинике, практики, стажировки, знакомства с другими юристами-преподавателями.

Студенту будет выгодно воспользоваться шансом и обратиться за советом к опытным юристам. Однако важно помнить, что наличие наставника – это лишь часть дела. Крайне необходимо заранее определить, чего именно вы рассчитываете достичь с помощью наставничества. Прежде чем начинать поиски ментора, стоит четко сформулировать свои цели и активно проявлять инициативу в будущем. В таком случае результаты наставничества не заставят себя ждать, и поставленные цели будут успешно достигнуты.

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UDC 371.2

Privalov N. Key approaches to interdisciplinarity through the lens of scientific knowledge

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Abstract. *The article is dealing with the key approaches to interdisciplinarity through the prism of scientific knowledge. The list of key approaches to the problem stated in the article is identified and described. Key issues arising in interdisciplinary research are identified. The basic advantages of interdisciplinarity are emphasized.*

Keywords*: Interdisciplinarity, problems, advantageous, scientific knowledge.*

Introduction

The problem of interdisciplinarity is one of the most important problems of scientific knowledge today.

Domestic scientists and scientists abroad suggest that the modern paradigm of science development is interdisciplinarity as a result of the transition from the fragmentation of the cognition process to the creation of more holistic converged scientific knowledge and technologies under the influence of global trends in the integration of scientific research.

As a result of the Council meeting, the issue of interdisciplinary research system was reflected in the list of instructions of the President of the Russian Federation dated December 27, 2014: "To the Government of the Russian Federation in order to develop interdisciplinary scientific research to prepare together with the Presidium of the Presidential Council for Science and Education and the Russian Academy of Sciences and submit in the prescribed manner proposals to determine common approaches to the integration of intellectual resources and scientific infrastructure of organizations engaged in scientific research" [1].

2. Material and methods

In accordance with the goal set in this paper, the research analyzed the available views on the phenomenon of interdisciplinarity. Based on the research, two key approaches to interdisciplinarity can be distinguished.

Based on the first approach, interdisciplinarity is perceived as the interaction of two or more scientific disciplines, each of them has its own subject, terminology and research methods. Such interaction is implemented directly in the form of work on specific research projects, the establishment of interdisciplinary centers at academic organizations, interdisciplinary conferences, the edition of problem-oriented rather than discipline-oriented journals, and so on.

Based on the second approach, interdisciplinarity suggests the revealing of those areas of knowledge that are not investigated by existing scientific disciplines. In this case, a new discipline may emerge at the junction of scientific disciplines. For example, social psychology originated at the junction of such disciplines as general psychology and sociology, identifying a “no one's” object of study and borrowing language and methods from both “mother” disciplines.

Given the considerations outlined above and based on the views of M. Foucault, interdisciplinarity can be viewed as a sphere of freedom, as an opportunity to escape from the rigid control of disciplinarians, to get closer to true creativity, free from any restrictions. It is from such positions that G.B. Kleiner states, that “disciplinarity is order, and interdisciplinarity is freedom” [3, 26].

There is no doubt that interdisciplinarity in its first meaning can contribute to the fruitful solution of scientific research problems, for it allows us to study the object in its integrity, to combine data obtained by specialists of different disciplines, to lead to the emergence of new, fruitful concepts that enhance and widen the existing body of scientific knowledge.

As a general rule, interdisciplinary research is undertaken when the subject of study is too intricate and the challenge is too large for a particular scientific discipline.

Yet, it should be emphasized that interdisciplinarity can have considerable strengths over individual disciplines. A clear appreciation of the strengths of interdisciplinarity and the possible problems involved in its application will enable researchers to exploit its heuristic potential while avoiding the negative consequences of overreliance on it.

Identifying the key strengths of interdisciplinarity it is appropriate to emphasize:

1. The first strength is caused by the identification of links between different disciplinary spheres, is a manifestation of integrative tendencies inherent in postnonclassical science with its desire to synthesize knowledge. The consequence of the interdisciplinary approach to research can be a transcendence of the established stereotypes, norms and research traditions. However, as P. Thagard rightly states, interdisciplinary research will be considered successful only if it is built on ideas that really cross disciplinary boundaries [5, p. 48].

2. The second strength concerns the methodological level and is expressed in the fact that it allows us to apply the methods characteristic of one discipline in other fields of knowledge, generating a new interdisciplinary toolkit. Following P. Tagard, computer modeling and neuroimaging of the brain [5, p. 52-55] are examples of such tools in cognitive research.

3. The third advantage is its problem-oriented nature, which leads to the emergence of fundamentally new knowledge at the intersection of separate disciplines. Moreover, the disciplines themselves do not cease to exist after such integration, but are only enriched with new research principles.

It is important to dwell on the key problems arising in interdisciplinary research.

The first issue in interdisciplinary research is peer review. Conventionally, the principle of "peer review" operates in science, and the "peers" are representatives of the same scientific discipline. In the case of interdisciplinary research, this principle is violated, and the issue of critical evaluation of the conducted research inevitably arises.

The second issue is conditioned by the mismatch of specialized languages and conceptual apparatus of different disciplines, as well as the expertise of interdisciplinary research. It is well known that the formation of scientific terminology is the result of a long evolution.

The emergence of a scientific discipline goes in parallel with the formation of its conceptual base, and the main requirement for the term is a high degree of unambiguity. D.P. Gorsky, a well-known expert in the field of the theory of cognition, pointed out: "For words and signs used in scientific theory to have the character of scientific terms, they must have the property of unambiguity.

This indicates that the term must signify one single object" [2, p. 305]. Polysemy in scientific work is a serious drawback that hinders adequate perception of the text. Although within a particular scientific discipline there is a tendency to realize the importance of unambiguity of terms, in terminological systems of different disciplines "polysemy is so divergent that it can become homonymy" [4, p. 88].

In connection with the above, an important stage of interdisciplinary research is the development of basic terminology. The difficulty, however, lies in the fact that in almost every specific case the conceptual apparatus has to be developed or reworked anew.

In addition, there should be a unity of opinion among the scientists in the team conducting interdisciplinary research as to what meaning the terms will have. In practice, however, such terminological unity is not always observed.

Occasionally, the interpretation of terms is not given any importance at all, as a result of which scientists of different disciplines either cannot come to joint conclusions, leading fruitless discussions, or use the conceptual apparatus uncritically, but it is the terminology is the foundation on which the entire building of scientific research is built.

3. Results of the study and discussion.

In the course of the study:

1. Key approaches to interdisciplinarity have been identified.
2. The advantages of interdisciplinarity have been highlighted.
3. The key problems have been listed.

Conclusion

Thus, the development of interdisciplinary research has recently been given attention at the highest level of formation of the state scientific and technical policy in the Russian Federation.

It should be noted that in accordance with the above instruction of the President of the Russian Federation, the main form of development of interdisciplinary research in the country is recognized as the unification of intellectual resources and scientific infrastructure.

In fact, the balance is shifted to the reorganization of scientific institutions in order to optimize the use of scientific resources.

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SECTION 3. ENVIRONMENTAL SCIENCES

UDC 551.50

Drabenko V.A., Drabenko V.A., Drabenko D.V. Analysis of the influence of meteorological factors on the peculiarities of the hydrological regime of the Barents Sea

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Abstract. *In the article, the authors consider the issue of analyzing the influence of meteorological factors on the features of the hydrological regime of the Barents Sea.*
Keywords: *meteorological factors, hydrology, Barents Sea*

The peculiarities of the hydrological regime of the Barents Sea are determined by the physical and geographical characteristics of the peculiarities of the water and ice balance of this sea, which primarily affect their level regime.

The main role in determining the zero depth is played by tides, in the Russian Federation the sea is considered tidal if the tide exceeds 50 cm. The Barents Sea belongs to the tidal type seas, as the average tide is 206 cm. As a result, the lowest theoretical level is taken as zero depths.

The practical significance of the NTU is that on nautical charts it is taken as zero depths. Therefore, the values taken from the navigation maps guarantee a certain depth margin.

If the lowest theoretical level (NTU) is the lower limit of tidal fluctuations, then their upper limit is also the calculated highest possible level for astronomical reasons – the highest theoretical level of tidal fluctuations. All other marks of tidal fluctuations of the level are located between these boundaries. However, in real conditions, under the influence of reasons unrelated to astronomical factors (for example, weather conditions), the marks of the actual level may go beyond both the upper and lower levels. and the lower of these boundaries, and in some cases very significantly. The highest theoretical level on the Murmansk coast of the Barents Sea corresponds to a total level of 5% security, and the lowest is 95% security.

River runoff can also affect sea level, although it is not large in relation to the area of the sea. And it is equal to an average of about 163 km3 /year. It is 90% concentrated in the southeastern part of the sea. The largest rivers of the Barents Sea basin carry their waters to this area. Pechora discharges about 130 km3 of water in an average water year, which is about 70% of the total coastal

runoff into the sea per year. Smaller rivers also flow here. The northern coast of Norway and the coast of the Kola Peninsula account for only about 10% of the runoff. Small mountain-type rivers flow into the sea here, for example, Pechenga, Tuloma, Kola Zapadnaya Litsa, Voronya, Teriberka, Iokanga, Rynda, etc. The continental runoff is very unevenly distributed throughout the year. Its maximum is observed in spring and is associated with the melting of river ice and snow in the river basin. The minimum runoff is observed in autumn and winter, when rivers are fed only by rains and groundwater. River runoff significantly affects hydrological conditions only in the southeastern part of the sea, which is therefore sometimes called the "Pechora Sea".

Tidal level fluctuations occur at regular intervals and are characterized by full and small waters, their magnitude and time of onset, time of rise and fall of the level, as well as the inequalities of these characteristics in the daily tidal cycle

Tides are usually correct semi-daily. In the southeastern part of the sea, irregular semi-daily and irregular diurnal tides are observed in some areas. The height of the tide in the southwestern part of the sea increases from west to east from 2.4 to 3.8 m. The tide values increase in the southern part of the sea from west to east. In the southeastern part of the Barents Sea, the tide height decreases from 4 to 0.5 m. To the north, the height of the tides decreases (at Svalbard it is 1-2 m, at Franz Josef Land - 20-30 cm). This is due to the topography of the bottom, the configuration of the shores and the interference of tidal waves coming from the Atlantic and Arctic Oceans

Meteorological and ice-hydrological factors also have a significant impact on the formation of the level regime. Meteorological factors include the effect of wind and changes in atmospheric pressure. This leads to run-up fluctuations in the level, reaching 1—2m in the coastal areas of the sea. Seasonal and interannual variability of atmospheric processes determines the corresponding variability of mean sea level.

According to estimates, the average sea level off the coast of the Kola Peninsula in the Baltic Sea elevation system is about -6.53 m, and in the area from m. Kanin Nose to the New Earth Straits is about -0.35 m. Thus, on average, for the southern coast of the sea, the mark of the average long-term sea level is about -0.44 m. The average sea level marks on the Barents Sea islands in the BS have not been determined.

According to observations at coastal hydrometeorological stations, the average sea level is subject to interannual and intraannual variability. The range of interannual variability, i.e. fluctuations in the level from year to year, varies by sea from 10 to 30 cm. In the south-east of the Barents Sea, these patterns are not so clearly expressed.

In the Barents Sea, along with the dominant tidal fluctuations, overburden changes in the level are noticeably pronounced. They are non-periodic with a time scale of 1-10 days.

Run-up fluctuations directly depend on the wind, its duration, speed and direction. On most of the coast of the Arctic Ocean, seasonal fluctuations in the water level are much greater than the tides. Strong and prolonged winds cause the most significant (up to 3 m) surge fluctuations in the

Barents Sea level near the Kola coast and near Svalbard (about 1 m), smaller values (up to 0.5 m) are observed off the coast of Novaya Zemlya and in the southeastern part of the sea.

The excitement in the Arctic seas depends on the wind regime and ice conditions. In general, the ice regime in the Arctic Ocean is unfavorable for the development of wave processes. The propagation of wind waves and swells is significantly influenced by the rugged coastline, the presence of numerous islands, as well as strong tidal currents. The latter, in the case of wave propagation towards the flow, can increase the wave height by more than two times. The passing current, on the contrary, reduces the height by up to one and a half times. The Barents Sea is one of the most stormy in the world Ocean. In winter, storm phenomena develop here, in which the wave height reaches 10-11 m in the open sea. The highest waves in the south-east are formed with north and north-easterly winds, their height can exceed 10 m.

Non-periodic fluctuations in the Barents Sea level have not been studied enough, and they are covered by a relatively small number of works carried out mainly in recent years. This is due to a number of factors.

Firstly, in the fluctuations of the Barents Sea level, the tidal component significantly exceeds the non-periodic one. This circumstance, which is most true for the southern and southwestern parts of the Barents Sea, contributed to the idea of a minor impact of overburden phenomena on economic activity and, in particular, on navigation in the coastal zone. Secondly, systematic changes in the level at most of the currently operating level posts began only in the late 40s, and the network of level posts on the Barents Sea turned out to be run by various organizations without a coordinating center. Thirdly, a detailed study of non-periodic fluctuations of the level became possible only after the introduction into practice of hydrometeorological studies of methods for processing series of field observations of the level using numerical filters.

The climate of the Barents Sea is polar marine, the warmest among the shelf seas of the Arctic Ocean. Although the Barents Sea is among the Arctic and almost 3/4 of its surface is covered with ice every year, but unlike other Arctic seas, it never freezes completely. Even in winter, about 1/4 of its area remains ice-free, which is explained by the influx of warm Atlantic waters, which prevent the surface layer from cooling to freezing point. The climatic conditions of the Barents Sea are determined by its proximity to the warm Norwegian Sea and the cold regions of the Arctic basin. The trajectories of the vast majority of warm North Atlantic cyclones moving east and northeast into the Arctic region pass through the Barents Sea. Often, the transfer of warm air masses is interrupted by a powerful invasion of the crests of the polar anticyclone, accompanied by the penetration of cold Arctic air masses far to the south.

Synoptic processes in the Barents Sea are developing especially rapidly. This is one of the most turbulent and changeable weather areas. Compared to all Arctic seas, the climate of the Barents Sea is characterized by high air temperatures, mild winters and a lot of precipitation. Arctic air dominates in the northern part of the sea, and air masses of temperate latitudes prevail in the

south of the sea. On the border of these two main streams, an atmospheric Arctic front passes, directed from Iceland through the island of Medvezhy to the northern tip of Novaya Zemlya. Cyclones and anticyclones often form here, affecting the weather pattern in the Barents Sea. In winter, the Icelandic minimum deepens and, when it interacts with the Siberian maximum, the Arctic front intensifies, which entails increased cyclonic activity over the central part of the Barents Sea. As a result, very changeable weather is established over the sea with strong winds, large fluctuations in air temperature, and heavy precipitation. During this season, mainly southwesterly winds blow. North-easterly winds are also often observed in the north-west of the sea, and winds from the south and south-east are observed in the south-eastern part of the sea. The wind speed is usually 4-7 m/s, but sometimes increases to 12-16 m/s. The average monthly temperature of the coldest month - March - is -22 ° in Svalbard, -2° in the western part of the sea, -14° in the east, near Kolguev Island, and -16° in the southeastern part. This distribution of air temperature is associated with the warming effect of the Norwegian current and the cooling effect of the Kara Sea.

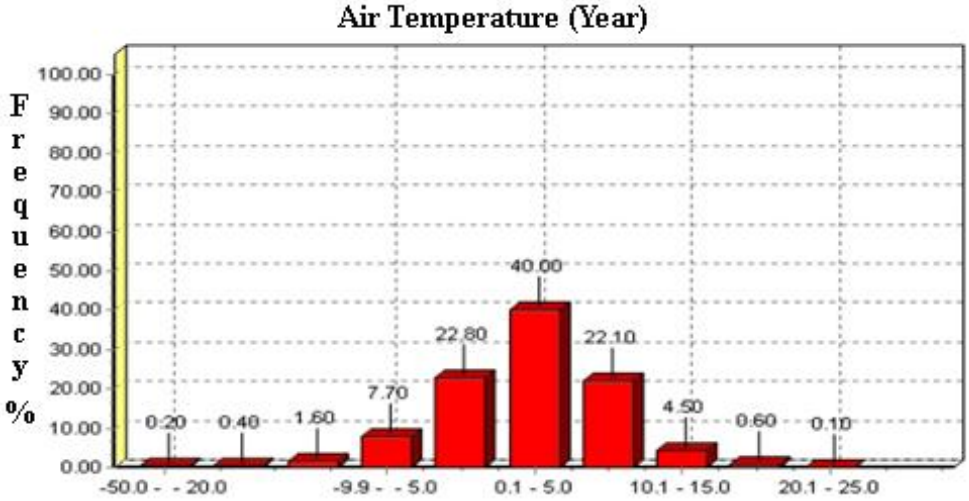

Figure 1 – Repeatability of air temperature per year in the open part of the Barents Sea.

In winter, the deepening of the Icelandic minimum and its interaction with the Siberian maximum exacerbates the Arctic front, which entails increased cyclonic activity over the central part of the Barents Sea. As a result, very changeable weather is observed over the sea with strong winds, large fluctuations in air temperature, precipitation "charges". During this season, mainly southwesterly winds blow. North-easterly winds are also often observed in the north-west of the sea, and in the south-eastern part of the sea winds from the south and south-east. The strength of the winds is usually 3-5 points, sometimes it increases to 7-8 points. The average monthly temperature of the coldest month (March) is -22° in Svalbard, -29.4° in the western and central parts of the sea, and in the east (near Kolguev Island) -4° and -7° in the southeastern part. This distribution of air temperature is associated with the warming effect of the warm Norwegian current and the cooling effect of the Kara Sea. In the Barents Sea, there are often inflows of cold Arctic air or the invasion of

warm air masses from the Atlantic Ocean. This entails either a sharp cold snap or a thaw. In summer, the Icelandic minimum becomes less deep, and the Siberian anticyclone collapses. A stable anticyclone is forming over the Barents Sea. As a result, relatively stable, cool and cloudy weather is established here with weak, mainly northeast winds

The relationship of cyclones and surges (wave oscillations)

According to the results of the typification of the trajectories of cyclones causing storm surges in the Barents Sea, four types of cyclones were identified: "diving", western, southern and abnormally shifting (eastern).

In general, cyclones whose trajectories are directed from the north, northwest to the south, southeast, i.e., in the southern part of the Barents Sea, a cyclone "dives" from the sea to the mainland. Cyclones whose trajectories have a more latitudinal orientation are classified as western ones. Of the identified types, "diving" cyclones predominate (47% of the total) and western (41%). Southern and abnormally shifting cyclones account for 12%. The variability of the main parameters of deep cyclones during periods of storm surges is characterized by movement speeds of 30-80 km/h, pressure in the center of 950-985 gPa. These parameters are typical for cyclones that cause medium and high storm surges, although various combinations of cyclone parameters are possible in real situations. An important factor is the comparability of low pressure areas (average diameter – 1800 km) with the linear dimensions of the Barents Sea. The formation of storm surges occurs when cyclones deepen by an average of 9 gPa/day and in extreme cases by 30-40 gPa/ day. The diving and western trajectories are characterized by the formation of secondary cyclones, which in these cases have significant displacement velocities and intensively deepen from the moment of formation to entry into the main cyclone. Deep cyclones are characterized by temperature asymmetry, temperature contrasts in summer can reach 7-15 °C, in winter – 30-32 °C.

Seasonal decreases in sea level occur mainly under the influence of the baric fields of powerful anticyclones. For the Barents Sea, it is necessary to distinguish between these level fluctuations and the so-called pre-run run-offs. The latter accompany storm surges and represent the sole of a long wave. They serve as harbingers of surges and are associated with cyclones.

Of all the variety of anticyclone trajectories, their shifts from the northwest and north to the southeast and south should be considered the most typical - 78% of cases. Ultrapolar incursions from the northeast and other directions account for 22% of cases. Anticyclones are characterized by the following average values of parameters: pressure in the center – 1030 gPa, travel speed – 20 km/h, linear dimensions – 2000 – 2500 km. The maximum pressure in the center (up to 1060 gPa) can occur in the most powerful Arctic or Siberian anticyclones. It is precisely such powerful and sedentary anticyclones that cause abnormally low sea levels off the coast of the Barents Sea. An example is the extreme runoff in the period March 1-10, 1970, due to the release of the crest of the Siberian anticyclone into the sea area. The intra-annual distribution of run-offs and run-offs confirms

the connection of storm run-offs with the autumn-winter maximum of cyclonic activity and run-offs with the spring-summer maximum of anticyclonic activity of the atmosphere.

Table 1

The frequency of storm surges and run-offs on the Murmansk coast by month

Month	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Year
overtaking	15	12	8	3	4	5	2	2	6	13	6	24	100
seasonal flow	7	8	11	17	12	8	7	8	8	3	3	1	100

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UDC 32

Kurbonova Z.M., Sharopov F.R. The role of the Republic of Tajikistan in achieving sustainable development goals and advancing "green" diplomacy

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Abstract. *This article explores the role of Tajikistan in sustainable development and green diplomacy, emphasizing the country's national environmental policies and their regional and international impact. It highlights key initiatives and strategies aimed at achieving the Sustainable Development Goals (SDGs), such as water resource management, renewable energy development, climate adaptation measures, and environmental conservation. The article also details Tajikistan's efforts to utilize its abundant water resources to foster sustainable economic growth and maintain ecosystem stability in Central Asia. Special attention is given to Tajikistan's diplomatic activity on the global stage, including initiatives within the United Nations and other forms of multilateral cooperation to spotlight sustainable development challenges in the region. Green diplomacy is identified as a crucial instrument for fostering constructive dialogue with neighboring countries and international organizations, creating opportunities for knowledge sharing, financial support, and implementing innovative environmental solutions.*

Keywords: *sustainable development, Tajikistan green diplomacy, water resources, environment, climate change, international cooperation.*

In the contemporary world, sustainable development has become one of the fundamental strategic directions of both international and national policies in the fields of economy, society, and the environment. This concept was officially recognized at the United Nations Conference on Environment and Development in Rio de Janeiro (1992) and has since been incorporated into the legal and political systems of numerous countries around the globe. The Sustainable Development Goals (SDGs) consist of 17 global goals and 169 targets established by the UN in 2015 as part of the 2030 Agenda, designed to eradicate poverty and ensure well-being for all. These goals aim to address the most pressing challenges facing humanity, broadening the scope of the earlier Millennium Development Goals by encompassing social, economic, and environmental dimensions.

The concept of sustainable development represents an approach that aims to balance economic growth, social progress, and environmental protection. It primarily focuses on addressing long-term challenges, allowing the current generation to meet its needs without compromising the ability of future generations to meet theirs. Sustainable development advocates for a model of

economic and social advancement where natural resources are utilized responsibly, considering the rights and welfare of future generations[3].

As the world faces climate change and mounting environmental crises, sustainable development represents one of the safest pathways toward ensuring lasting progress. The SDGs provide countries with an opportunity to collaborate and effectively address global challenges through joint, sustained efforts. An apt saying to reflect this ethos is: "We do not inherit the Earth from our ancestors; we borrow it from future generations."

The Republic of Tajikistan, following the wise policies of the Founder of Peace and National Unity – Leader of the Nation, President, His Excellency Emomali Rahmon, has emerged as a proactive member of the international community, leading initiatives to achieve the SDGs and advance green diplomacy. The country has successfully implemented a range of programs and strategies to reach long-term goals.

In his address to the 79th session of the UN General Assembly on September 24 of this year, the Leader of the Nation emphasized that the modern world faces sensitive and complex conditions, and global cooperation is more essential than ever to ensure security, stability, and sustainable development. The Republic of Tajikistan continues to provide unwavering support for implementing the 2030 Agenda and achieving the SDGs[4].

President Emomali Rahmon pointed out that in the recently adopted political declaration by the General Assembly, member states acknowledged that "achieving the Sustainable Development Goals is at risk." According to the UN Secretary-General's report, the global community is on track to meet only 17% of the SDGs by 2030. In light of this, the President stressed that the international community must intensify its efforts to implement the 2030 Agenda on time, placing particular emphasis on financing sustainable development. In the face of the negative impacts of climate change, joint initiatives must be undertaken to rationally use natural resources and ensure the stable functioning of various sectors of human life.

Moreover, the Head of State proposed that the General Assembly adopt a special resolution on the role of artificial intelligence in creating new opportunities for economic and social development and accelerating the achievement of the SDGs in Central Asia.

While we will not enumerate all of President Emomali Rahmon's global initiatives in the areas of sustainable development, efficient water resource management, climate change mitigation, and promoting a green economy, which have strengthened Tajikistan's international standing and brought pride to every citizen, we must acknowledge that his initiatives on the world stage have made a substantial contribution, offering a vivid example of green diplomacy in governance and

[3] Elliott L. The Global Politics of the Environment. Palgrave Macmillan, 2021. pp. 42-178. Available at: SpringerLink.

[4] Emomali Rahmon Address at the 79th Session of the UN General Assembly. New York 24. 09.2024//UN Website

international relations. The President of the Republic of Tajikistan, Emomali Rahmon, is undeniably the founder of green diplomacy in our country[5].

Green diplomacy is a dimension of foreign policy that seeks to solve environmental issues through diplomatic processes and international collaboration. Its mission is to foster cooperation between states and international organizations to achieve environmental goals, such as combating climate change and ensuring sustainable development.

We believe that sustainable development and green diplomacy are interconnected concepts that represent a relatively new trend in international relations and global economic development. These concepts aim to protect the environment, minimize the negative impact of human activity on nature, and achieve social equity through diplomatic means and mutually beneficial cooperation. It is evident that these concepts play a key role in shaping sustainable international relations and fostering economic growth, focusing on the prudent use of natural resources.

One of the primary objectives of green diplomacy is to mitigate the impacts of climate change. Global experience has shown that cooperation, such as through the 2015 Paris Agreement, is crucial for reducing greenhouse gas emissions.

Green diplomacy also promotes the effective management of natural resources like water and land. Sustainable management of these resources is critical for long-term economic development, and diplomacy serves as a key tool in achieving this. Green diplomacy is undoubtedly an essential mechanism for addressing environmental issues on a global scale.

Additionally, green diplomacy contributes to sustainable development by encouraging the formation of environmentally oriented policies. It not only aims to protect the environment but also seeks to create sustainable economic conditions that help alleviate poverty and foster economic growth.

Under the visionary leadership of the Leader of the Nation, green diplomacy has become a key aspect of Tajikistan's foreign policy. Tajikistan is recognized internationally as a leading country in water resource management, and the global initiatives put forward by President Emomali Rahmon serve as a model of green diplomacy. These initiatives address not only water and climate challenges in Central Asia but also contribute to global integration in sustainable natural resource management. Tajikistan's focus on water issues underscores its strategic significance and highlights the importance of ecosystem conservation and climate adaptation.

Climate change is one of the most serious global challenges, and Tajikistan is particularly vulnerable to its effects.

President Emomali Rahmon has introduced several significant global and regional initiatives in this area, including the creation of an International Glacier Protection Fund and the proposal to declare 2025 as the International Year for Glacier Preservation. These initiatives, aimed at protecting

[5] Emomali Rahmon Speech at the High-Level Forum on Sustainable Development. Date: July 14, 2020//http://www.president.tj/

glaciers that are strategically important for mountain regions and water resources, are an integral part of Tajikistan's green diplomacy and demonstrate the country's active role in developing a coordinated environmental policy and achieving sustainable development, making Tajikistan a reliable partner in the international community[6].

With abundant hydropower resources, Tajikistan, under President Rahmon's leadership, has pursued a constructive policy of promoting renewable energy, particularly hydropower. On international platforms, the President has repeatedly emphasized the importance of reducing greenhouse gas emissions and adapting to climate change, contributing to the advancement of green diplomacy and the green economy, as well as transforming Tajikistan into a "green" country.

Due to the visionary leadership of the Leader of the Nation, green diplomacy has become an essential and strategic component of Tajikistan's foreign policy framework. Tajikistan has earned international recognition as a key actor in the realm of water resource management, with the global initiatives led by the Leader of the Nation serving as a salient example of effective green diplomacy in practice. These initiatives extend beyond addressing regional water and climate issues; they facilitate global integration in sustainable natural resource governance, fostering multilateral cooperation and shared environmental responsibility. The prioritization of water management within Tajikistan’s foreign policy underlines its critical significance, both as a resource for national development and as a driver of regional stability, thereby emphasizing the importance of ecosystem preservation and adaptation strategies in mitigating the impacts of climate change. This holistic approach demonstrates a commitment to a more integrated and sustainable model of diplomacy that links environmental stewardship with socio-economic resilience on both regional and global scales.

It is also worth noting that Tajikistan has become a platform for numerous international forums and conferences on water and climate issues. These events, which attract the attention of countries worldwide, help to expand international cooperation in the field of environmental protection.

In conclusion, the Republic of Tajikistan, under the leadership of President Emomali Rahmon, through its international initiatives, makes a significant contribution to green development and the achievement of the Sustainable Development Goals. It stands as a leader in green diplomacy, actively promoting mutually beneficial cooperation with the global community and international organizations.

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SECTION 4. JUSTICE

UDC 34

Zubarev D. Features of the Anglo-Saxon legal system in a camparative aspect

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Abstract. *The article examines the features of the Anglo-Saxon legal system. It is compared with legal traditions. The main focus is on the analysis of historical development, key principles and sources. The emphasis is on comparison with the continental legal system, including aspects such as the role of judicial discretion in the formation of the legislative framework, case law and the influence of cultural factors on the development of legal thought.*

Keywords: *legal systems, sources of law, features, Anglo-Saxon legal system, continental legal system, judicial discretion, historical development.*

This article will:

- analyze the features of the Anglo-Saxon legal system in a comparative aspect;
- explore key principles and legal sources.

Both domestic (M. N. Marchenko, E. A. Vinnichenko, L. P. Rasskazov) and foreign (M. Glendon, K. Zweigert, H. Ketz, R. David, K. Osakwe, G. Sozer-Hall) researchers showed interest in the stated topic.

The purpose of the study is to analyze the features of the Anglo-Saxon legal system in a comparative aspect.

During the work on the article, the following methods were used: historical, comparative legal, theoretical analysis, formal legal.

The current legal landscape has an abundance of legal systems with their own specifics, manifested, for example, in special historical conditions of development, type of society or religion.

Modern realities necessitate a rethinking of approaches to understanding the legal system. The prerequisites for the emergence of legal systems were the natural challenges of the twentieth century. In confirmation of what has been said, it should be mentioned, for example, the destruction of the colonial system; the growth of the number of independent countries; the need for an informed choice of further development, the renewal of national legal systems. In this regard, since the 60s of

the XX century, there has been an urgent need to study legal systems, analyze them and try to correlate this definition with the system of law and the state, as well as study from the point of view of constructive use of criteria of consistency in describing legal reality.

In this regard, it can be concluded that it is not possible to interpret the definition of "legal system" in a single way. This is due not only to the abundance of approaches to understanding this legal category, but also to the criteria that researchers put into this concept during their research.

However, in order to proceed to the analysis of the above-mentioned aspects of the Anglo-Saxon system, it is necessary to define the definition of "legal system".

Thus, Yu. A. Tikhomirov defines the legal system as "a structurally and functionally ordered array of interdependent normative legal acts established and operating on the basis of uniform principles" [6, pp. 211-212], thereby recognizing this category as a generalizing and fundamental importance for the entire theory of law.

The origin of the Anglo-Saxon legal system is closely linked to the history of England. It is worth noting that this legal system developed independently of others, which is accompanied by such factors, for example: geographical location (Great Britain is an island state, therefore it was limited in interaction with the countries of continental Europe), as well as national and historical ones.

There are usually four main stages in the history of the development of English law.

The first stage is the emergence and development. Characteristic features are that at that time "there were scattered local acts, orders of kings regulating certain issues of public life" [1]. That is, there was no law common to all in the country, but only separate, unrelated rules and customs in different regions.

The second stage is from 1066 to 1475. Historians and jurists associate it with the time of the Norman conquests and before the establishment of the Tudor dynasty. During this period, local customs lost their primary importance, and common law became the main component of the legal system. As noted by the famous jurist M. N. Marchenko, this "became possible due to the establishment of a strong centralized government in the country after the Norman conquest, a unified centralized administration that passed the test in Normandy, a unified system of royal courts that created and developed the common law of England" [5, p. 67]. The decisions made by judges were taken as a basis by lower courts when considering similar cases. As a result, a unified system of precedents began to take shape, which spread throughout England and was called "common law".

The third stage of the development of the legal system began in 1485 and lasted until 1832 and is considered the renaissance of common law in England. Despite the fact that the legal system reached its peak during this period, with the increase in precedents, it began to show a tendency towards conservatism and formalization. This led to the fact that common law began to compete and simultaneously cooperate with the law of justice.

The researchers argue that the common law needed to be reformed during this period. It lagged behind the demands of the time and suffered from the routine and conservatism of the judges.

After its heyday in the 13th century, the common law faced these problems. He was in danger of being replaced by another legal system, such as the law of justice.

The law of justice was based on the decisions of the Lord Chancellor, who acted on behalf of the King and the council, considering complaints and appeals against the decisions of the ordinary royal courts. People appealed directly to the king, asking for his intervention to restore justice. The decisions of the Lord Chancellor were based on the doctrine of "royal justice" and adjusted the work of ordinary courts and their principles.

This led to the formation of a dual legal system in England, including the rules of common law and the rules of equity, which complement and correct each other. This system has survived to the present day.

The fourth stage of the development of English law began in 1832 and continues to the present day. This period was marked by significant transformations in the state structure and legal system of England. At the beginning of this period, significant legal and judicial reforms were implemented. According to M. N. Marchenko, lawyers "theoretically and practically shifted the emphasis from procedural to substantive law" [5, pp. 68-69].

Efforts have been made to clean up legislation from outdated and invalid acts. The existing regulations in various fields of English law have been systematized. Judicial reform has equalized the rights of all English courts, allowing them to apply both the rules of common law and the rules of justice.

Experts in the field of comparative law note that the reforms of the 19th century did not significantly change the traditional nature of English law. Although the legislator provided the courts with new opportunities and indicated the direction of development, he did not create a new law. Nevertheless, during this period, the importance of legislative and administrative acts increased, and the English legal system began to converge with the continental legal system.

The sources of law of the Anglo-Saxon legal system include several key points. As noted by the famous jurist L. P. Rasskazov, "in England, along with judicial precedents, legislative acts were and are used as sources of law" [3, p. 2].

In England, along with judicial precedents, legislative acts also play an important role. The statutes adopted by Parliament cover various spheres of public relations. Many statutes adopted in the past continue to be used in modern judicial practice. For example, issues of illegal seizure of premises or land are resolved on the basis of the Act of Forced Invasion of 1429. Civil law relations are regulated by statutes of the 19th century, such as the Bills of Exchange Act of 1882 and the Merchant Shipping Act of 1894. Old statutes are also used in criminal law, such as the Gloucester Statute of 1278 on the Limits of Necessary Defense and the Treason Act of 1352. Constitutional law also contains many old acts, such as the Bill of Rights of 1689 and the Act of Succession of 1701, but most of its sources were adopted in the twentieth century.

The Romano-German legal system, on the contrary, is based on codes and laws developed by legislators. Here, the law is formulated in the form of laws, which are then interpreted and applied by the courts. In this system, the court plays a more limited role, since its main function is to interpret and apply an existing law, rather than create a new one.

The key feature of the Anglo-Saxon legal family is that the law in the states of this family is largely determined by the decisions of the higher courts. In England, the common law is based on decisions of the royal courts, in the United States – decisions of the Supreme Court on the constitutionality of laws, and in Canada, Australia and other English-speaking countries – verdicts of higher courts.

As mentioned above, in countries that adhere to the common law system, laws approved by Parliament also play an important role. However, according to L. P. Rasskazov, they have a number of features: firstly, they take into account existing court decisions; secondly, their practical significance is assessed in the process of applying the judge's law.

There are other features of the Anglo-Saxon legal system. Thus, R. David notes the high independence of the judiciary in the countries of the Anglo-Saxon legal family, especially in England. The courts here have real power, which created the common law and the law of justice. They formed the current English law, as the legislative and executive branches played a secondary role until the 20th century. The courts control the resolution of legal disputes and have the authority to interpret laws and resolve issues of their constitutionality. The independence of the judiciary is supported by material factors and historical traditions.

The low level of normative generalizations is manifested in the difficult systematization of many court reports. English legislation, according to F. M. Reshetnikov, occupied a secondary role until the 19th century and consisted of "an ever-growing collection of disordered, poorly coordinated and sometimes contradictory statutes adopted in different historical conditions" [4, p. 27].

The low level of systematization of Anglo-Saxon law leads to the absence of an official division of law into branches and the presence of norms from different areas in one statute. Attempts at systematization began at the end of the 19th century, but codification was not widespread in Great Britain, despite the creation of a special codification commission in 1866.

Procedural aspects attract increased attention, as precedents are created in the course of legal proceedings as sources of law. General law lawyers, R. David notes, pay more attention to the process, unlike lawyers in continental Europe, who are more often interested in substantive law. They do not share the idea of law as a moral theology and consider lawyers to be practitioners familiar with the rules of judicial procedure and local acts.

Unlike continental law, common law was not significantly influenced by Roman law. This led to the absence of a division into private and public law in Anglo-Saxon law. Instead, there is a division in English law into common law and the law of equity.

As already mentioned, the most important sources of Anglo-Saxon law are judicial precedents and laws. Precedents are set by higher courts such as the Supreme Court of England and Wales in the United Kingdom, the U.S. Supreme Court at the federal level and state supreme courts in the United States, as well as the Supreme Court of Canada and the Federal Court of Canada in Canada.

Laws also play an important role. In some countries they are called statutes, and in others they are simply laws. Laws are official documents issued by the country's highest legislative body. In the UK, Canada and Australia it is the parliament, in the USA at the federal level it is the Congress, and at the state level it is the legislatures. Sometimes a law in the “broad sense” is understood to mean all legislative acts, not just statutes.

It is important to note that the development of law in the UK is based on the principle of parliamentary supremacy in the legislative field, known as the “statute can do anything”. This principle asserts the superiority of the will of the representatives elected by the people over the will of the appointed judges.

It is interesting that the principle of parliamentary supremacy in Great Britain differs from the principle of the rule of law in the Romano-German legal system. In the Romano-German system, the rule of law means that laws must comply with the constitution and that all other acts must comply with the laws. According to I. Y. Bogdanovskaya, in Great Britain “due to the lack of a written constitution, laws cannot be recognized as unconstitutional” [2, p. 74]. In order to avoid contradictions between the statutes, English law establishes the presumption of priority of a later law over an earlier one. Consequently, there is no hierarchical subordination of sources in the UK, headed by the law. Also, the statutes do not establish new general principles. The dominant position in British law remains that the principles of law are established by case law, and the statute only details them.

The connection between law and precedent is noteworthy. Although the law theoretically has significant legal force (the provision “the law can do anything” follows from the principle of parliamentary supremacy), in practice the situation is different. A rule of law is fully incorporated into English law only after repeated application and interpretation by the courts, in the form and extent determined by the courts. One can agree with the statement that law is what the courts have done. The law created by the courts has become what remains of the statutes, since statutes can change the rules of common law.

Summarizing the above, we note that the Anglo-Saxon legal system is a combination of case law and statutes (laws), where special importance is attached to the role of courts in the formation and development of law. Judges have considerable freedom of interpretation of laws, which allows them to take into account the changing conditions of society. The principle of the rule of law plays an important role. If we compare them with the Romano-German legal system, they are completely polar.

The results of the study

The following results were achieved during the study:

1) the analysis of the historical development of the Anglo-Saxon legal system has been carried out;

2) the features have been revealed;

3) the key principles are highlighted and the main sources of law of this legal system have been analyzed.

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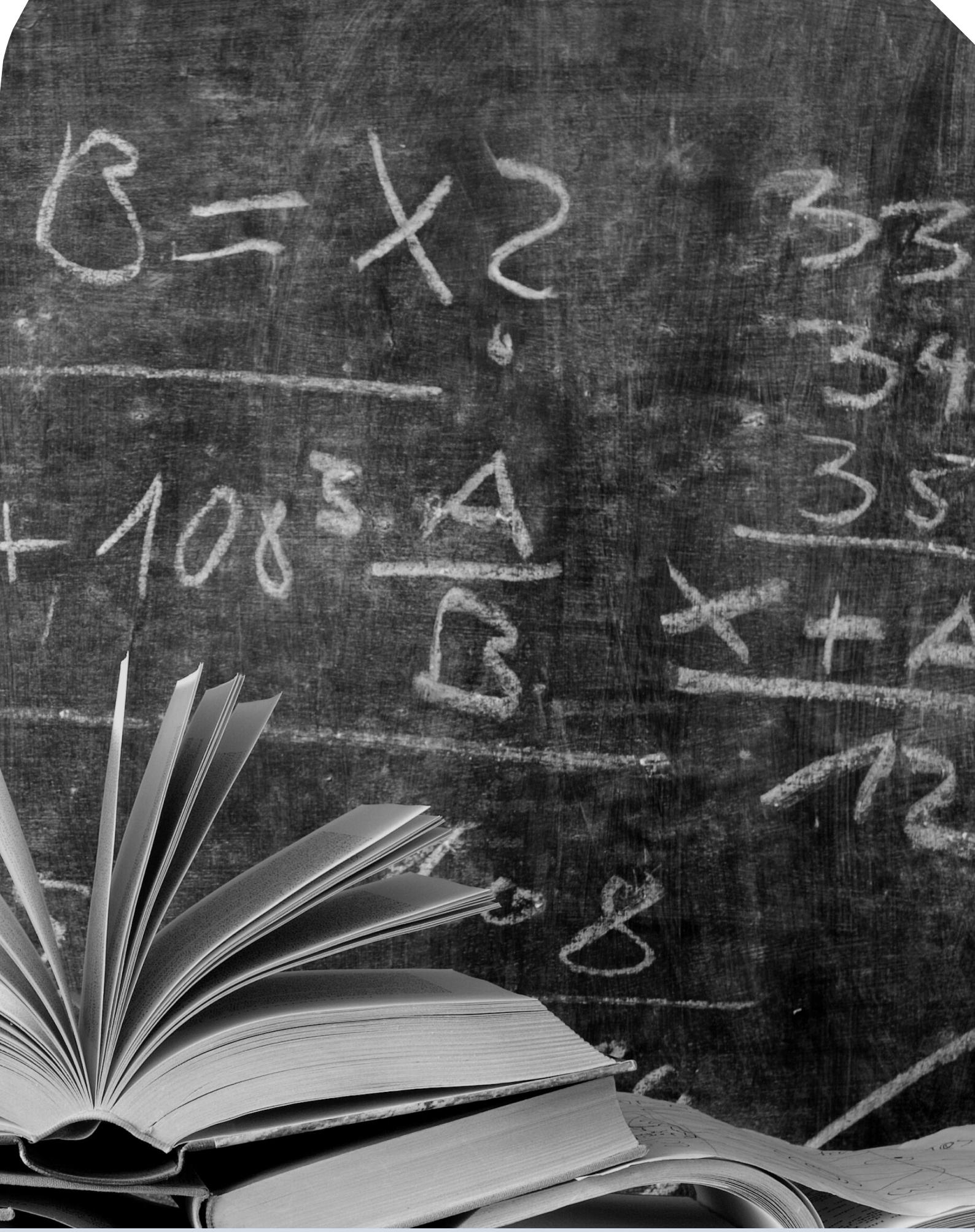

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