

SOCIAL DEVELOPMENT AND HUMAN RIGHTS-BASED APPROACH: «HAKUNA MATATA» FOR LEGAL EDUCATION

...to the honourable and sweet community of UN ILFP 2019

Today's global challenges of economic, political, legal, cultural and humanitarian character proves that current state of international law and interstate cooperation is not sufficient. The primary duty-bearers for these problems are not only international organizations or states. In its turn, academia is also responsible for the existence of such negative trends. Among others, legal experts and scientists are under moral obligation to assist public reforms and application of innovative legal regulations to public relations. Simply put, traditional approach to legal education and research should be revisited in order to meet "calls" of global problems and resolve them in possible best manner. In this regard, I consider Human Rights-Based Approach (HRBA) as one of most powerful instruments for modifying separated legal fields and areas to overview them together and conduct multidisciplinary research strategies. At the same time one should not forget that HRBA is not only about fact-finding mission. It also requires raising public awareness and involvement of civil society participation as well as resolving illiteracy is not possible without rational educational reforms. Nowadays, traditional law fields such as criminal law, civil law and administrative law do not have exact, precise theoretical borders and in practice they are applied together and in a mixed manner to our daily life. On the other hand, emerging global challenges play the role of basis for the formulation of new legal fields. In particular, special attention should be paid to legal research and knowledge as they are more sensitive in the establishment of new legal rules. In this regard, more systematic and functional approach is a demand in order to review all the challenges and problems in one common chain. In the light of the above-mentioned, I propose human rights sphere as the most flexible field of law that could be equally applied both to traditional and new legal areas. Besides, we may observe human rights not only as a special legal field, but also a new legal method and approach for detailed study of global challenges. The analysis of the use of human rights in different scientific directions is included in HRBA and we consider to enlarge the scope of HRBA in order to transform traditional meaning of legal education and research. Therefore, I am going to introduce some basic challenges that undermine the effectiveness of law systems and promote new study methods in education as well research.

Equality issues - All international human rights instruments proclaims right to equality and prohibition of discrimination. One can find unlimited type of

grounds upon what discrimination is prohibited, but nations in global scale suffer from it. It is not the traditional meaning of discrimination of the basis of gender, race or colour. Currently, we have new types of inequality in the light of different level of economic development, unemployment, migration crisis, climate change and environmental problems, industrialization and knowledge society. It is clear that international community promotes equality in all possible means, but still some critique is left on the paper. All of universal and regional organizations are built on the purpose of cooperation and collaboration, however, still we have developed and developing countries being in different conditions of sustainability.

Good governance and fight against corruption: The fundamental principles of good governance and human rights are the same or at least, similar. Moreover, international law instruments ensuring good governance also are more than enough, but challenges still exist. Good governance problems do not refer only to low level of national implementation and there are open questions. On one hand, good governance is pre-condition for the protection and fulfilment of human rights. If states are eager to implement human rights obligations faithfully, they need to improve their good governance qualities too. In international level, basic elements and requirements of good governance are enshrined independently from relevant human rights norms. It means that not all of international human rights instruments define good governance principles. On the other hand, good governance is usually discussed in connection with political rights and political equality. We may find some scholars [1; p.7] who claim for the recognition of the right to good administration too. International and national legal regulation of fighting against corruption also has its own gaps and dilemmas. In international level fighting against corruption and basic steps of lawful behaviour are defined by relevant legal documents. Along with bribery and misuse of official position, corruption is recognized as the breach of international legal obligations of states. Yet, we recognize the truth in experts' position [3, p.44] that there is a minor referral to human rights in current fight against corruption. Thus, new medium for fighting against corruption should make strong reference to HRBA and relevant studies should be central points of education towards good governance too.

Emerging ICT technologies and cyberspace: The pros and cons of ICTs in social, cultural, political life of society are widely discussed by experts of various specializations. Still, HRBA in legal study and learning of ICTs has not been applied in sufficient broad manner. In this respect, I may claim that ICTs have reasoned the formulation of digital human rights and nowadays, each of traditional human rights has its own digital reflection. Therefore, investigation of separated criminal law, civil law, administrative law aspects of ICTs is not suitable. Widening the scope of HRBA in the legal research of ICTs is conditioned by several theoretical and practical details. Even more, regulation of technologies, including ICTs formulated new field of law and legal norms

related to digital space (cyberspace) are the subject matter. In most of former Soviet countries this new sphere is called „information law” [2; p. 15].

Literature

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THE CHALLENGE OF WRONG EXPRESSIONS AS «SOCIAL DISTANCE» AND CONTEXT-BASED INFORMATION MISMATCH ON THE PILLARS OF CIVIL SCIENCE

The measures on civil liberties imposed in 2020 were unprecedented in modern society, and they're coercive and limiting nature has shifted the perception of justice. The principle of *legality* and *equality*, as main pillars of democracy and modern civil science, in the form of current and proposed regulations is losing the public support and acceptance, since formulated expressions do not behold the original meaning of *rights* and *freedom of choice* anymore. Before establishing a new rule of law with another collective consensus, the rule of man might become the transitory phase during the shifts of social paradigms, representing the protective mechanism for human rights, family and justice.

Changes of social nature are triggered by dissonant views among community members regarding concepts as justice, equality, development and the imperative need to find consensus for establishing a new social structure that would satisfy the critical mass in a society [10]. Social changes imply transformations not only of inter-personal relationships, but also of family relationships, labor environment, welfare structure, normative acceptance and first of all – repositioning of „self” within the social picture [6]. Previous radical social disruptions were caused as a consequence of technological progress [9]. Metallurgy as the main tool of first industrial revolution, offered efficiency character to the society of hunters and gatherers, steam power revolution reshaped agrarian society, mass-production and automation industrialized society and launched the continuous process of urbanization [8]. For the past few decades, with the development of Internet, online platforms