HUMAN RIGHT TO PEACE: CONCEPTUAL FOUNDATIONS OF LEGAL SECURITY

Abstract. The development of the modern world community is taking place under the conditions of a significant aggravation of various threats, including terrorist ones, which is connected primarily with the strengthening of the destruction of the modern international legal order. As a result, the need to develop new approaches and guarantees for ensuring human rights and freedoms, the violations of which are taking on a threatening scale, is growing significantly. At the same time, a special place in the modern system of human rights and freedoms is occupied by the human right to peace, which requires a rethinking of the conceptual foundations of its legal protection.

The article examines the substantive characteristics of the human right to peace, as well as the conceptual components of its legal support. Emphasis is placed on certain limitations of legal mechanisms for effective enforcement of the human right to peace. Also emphasis is placed on the expediency of constitutionally enshrining the human right to peace, as well as on the need to enshrine effective legal guarantees of this right in legislation. It is noted that the human right to peace is not realized directly in concrete actions, but involves a number of components that connect its content with other fundamental human rights, in particular, with the right...
to life, the right to medical and other social security, the right to a safe environment, the right to freedom and personal integrity, etc.

The anti-discrimination and moral component of ensuring the human right to peace is thoroughly investigated. In particular, it is emphasized that the implementation of international legal standards of gender equality in the national legal system of Ukraine should take place taking into account the integrity and coherence of the main components of the socio-normative continuum of Ukrainian society, which has accumulated significant historical experience in the prevention of various pathologies in gender relations based on the systemic influence of all important social regulators.

It is concluded that a person's right to peace largely depends on the extent to which legal norms are able to serve as a necessary tool for the protection of social morality, i.e. systems of moral norms and rules of behavior developed in society on the basis of traditional moral and religious (spiritual) values, in particular, ideas about good and evil, honor and dignity, justice, good faith, public duty and social responsibility, etc.

**Keywords:** human right to peace, human rights, guarantees of human rights, international law, morality, social rights.

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**ПРАВО ЛЮДИНІ НА МИР: КОНЦЕПТУАЛЬНІ ЗАСАДИ ПРАВОВОГО ЗАБЕЗПЕЧЕННЯ**

Анотація. Розвиток сучасного світового співтовариства відбувається в умовах суттєвого загострення різноманітних загроз, у тому числі терористич-
них, що пов’язується насамперед з посиленням деструкції сучасного міжнародного правопорядку. Як наслідок, суттєво зростає необхідність розробки нових підходів та гарантій забезпечення прав і свобод людини, порушення яких набувають загрозливих масштабів. При цьому особливе місце в сучасній системі прав і свобод людини займає право людини на мир, яке потребує переосмислення концептуальних засад його правового забезпечення.

У статті досліджуються змістовні характеристики права людини на мир, а також концептуальні складові його правового забезпечення. Наголошується на певній обмеженості юридичних механізмів ефективного забезпечення права людини на мир. Акцентується увага на доцільності конституційного закріплення права людини на мир, а також на необхідності закріплення у нормах законодавства ефективних юридичних гарантій даного права. Відзначаються, що право людини на мир реалізується не безпосередньо у конкретних діях, а передбачає низку складових, які пов’язують його зміст з іншими фундаментальними правами людини, зокрема, з правом на життя, правом на медичне та інше соціальне забезпечення, правом на безпечне довкілля, правом на свободу та особисту недоторканість тощо.

Ґрунтовно досліджується антидискримінаційна та моральна складова забезпечення права людини на мир. Зокрема наголошується, що імплементація міжнародно-правових стандартів гендерної рівності у національну правову систему України повинна відбуватися з урахуванням цілісності та узгодженості основних складових соціонормативного континууму українського суспільства, в якому накопичено значний історичний досвід профілактики різноманітних патологій у гендерних відносинах на основі системного впливу всіх важливих соціальних регуляторів.

Робиться висновок, що право людини на мир в значній мірі залежить від того, наскільки правові норми здатні слугувати необхідним інструментом охорони та захисту суспільної моралі, тобто системи моральних норм і правил поведінки, що склалися у суспільстві на основі традиційних морально-релігійних (духовних) цінностей, зокрема, уявлень про добро і зло, честь та гідність, справедливість, добросовісність, громадський обов’язок та соціальну відповідальність тощо.

Ключові слова: право людини на мир, права людини, гарантії прав людини, міжнародні право, мораль, соціальні права.

**Formulation of the problem.** In the conditions of the Russian-Ukrainian war and the strengthening of destructive processes in the system of the modern international legal order, the creation and development of technologies of artificial intelligence and robotics, neurocognitive, genomic and other biotechnologies, which affect not only the character of social communication, but also the nature of the
person himself, a rethinking is taking place the content and meaning of many legal institutions and concepts, including such a fundamental concept as «human rights», which is fundamental for the development of modern democratic legal systems.

In these realities, which are accompanied by an increase in conflict-causing potential in the development of modern societies and states, the study of the essence, nature, signs, components, as well as various mechanisms of ensuring the human right to peace, which today has already acquired the quality of a necessary prerequisite for the provision and protection of all other fundamental human rights and freedoms, in particular, the right to life, health, personal integrity, work, property, adequate standard of living, freedom of movement, etc.

There is no doubt that the human right to peace at the current stage of development of the world community must demonstrate the realism (viability) and effectiveness of its practical implementation. The indicated problems require, in particular, the development and introduction into legal practice of new approaches to the legal protection of the human right to peace, the effectiveness of which can be assessed primarily in view of the actual level of use of violent means of solving certain social contradictions and conflicts at the macro and micro levels, as well as taking into account the relevant parameters of the quality of human life.

**Analysis of recent research and publications.** The issue of the human right to peace and the mechanisms of its maintenance is quite new for modern Ukrainian legal science, and its active development began only after the full-scale invasion of the Russian Federation into Ukraine on February 24, 2022. Among those who research this issue precisely in the legal sphere in the scientific literature, we should single out: S. Bobrovnyk, R. Guban, I. Ivankiv, M. Nonyak, N. Onishchenko, N. Parkhomenko, I. Peresh, S. Maksimov, O. Petryshyn, etc.

At the same time, new realities and modern challenges actualize the need to understand the meaningful characteristics of the human right to peace in the context of defining the conceptual foundations of its legal support. Such a perspective of the study of this issue will contribute to the development of recommendations aimed at improving the norms of the current legislation, which regulate a number of important social relations in the sphere of realization by citizens of the rights and freedoms guaranteed to them by the state.

**The purpose of the article** is to determine the substantive characteristics of the human right to peace and the conceptual foundations of its legal support.

**Presentation of the main material.** In domestic legal literature, it is rightly noted that human rights are the direct manifestation of the meaning of law, which objectively act as a measure of law in society, an indicator of its civilization. After all, with the help of rights, a person joins the material and spiritual benefits of society, the mechanisms of power, and legal forms of expression of will and realization of one's own interests. The degree of perfection of the individual himself,
his life and health, inviolability and security depend to a decisive extent on the level of rights security. It is the human dimension of law that is the cornerstone and starting point of any social transformations in modern democratic realities [1, p. 49].

When studying the relevant levels or components of the general system of human rights, scientists traditionally distinguish groups of personal or civil, political, economic, social and cultural human rights. At the same time, in recent years, due to the development of relevant technological innovations, legal science has significantly strengthened the doctrinal development of the group of informational and somatic human rights, which, quite justifiably, have actually received an independent place in the general system of human rights.

In addition, human rights are also distinguished according to other signs or criteria, in particular, depending on the time of their occurrence, they are divided into the rights of the first, second, third and fourth generations; depending on the categories of people to whom the rights apply, the rights of women, the rights of children, the rights of persons with limited physical properties, etc. are distinguished; depending on the subject structure, individual and collective rights are distinguished for their exercise; depending on the features of the forms and mechanisms of state protection of human rights, they are divided into negative and positive [2, p. 175-187].

However, no matter what the specific classification of human rights is, the core of their general system is traditionally considered to be the right to life, without the proper provision and protection of which it is impossible to talk about any other human rights and freedoms.

At the same time, the realities of today, especially those related to the Russian-Ukrainian war and the strengthening of the crisis transformations of the international legal order, make it necessary to rethink the last thesis and, accordingly, define the functionally central right in the system of human rights as the right to peace, which in the current realities requires the implementation of a thorough theoretical development precisely as an individual human right.

In this regard, issues related to constitutional modernization, which is impossible without guaranteeing the human right to peace, should acquire great importance. That is why, obviously, the right to peace should acquire the «status of constitutional consolidation». At the same time, the human right to peace in the general system of his rights and freedoms should be considered as a fundamental complex right, which, in fact, should be recognized as primary in the hierarchical structure of the human rights system.

In this context, it should be noted that the right to peace can be considered at the level of the subjective right of a specific individual, the right of certain social groups and society, as well as the rights of humanity as a whole. The right to peace itself, especially in the conditions of the current crisis of the world legal order, should
be recognized as a guarantee not only of the effectiveness of any social interaction, but also of the reality, the validity of all other human rights as a fact, including the so-called rights of third (for example, the right to solidarity, the right to international communication, etc.) and the fourth generation (for example, the right to the Internet, the right to transplant organs, etc.).

Considering the issue of the right to peace, it should be noted that in modern scientific literature this category was developed primarily in the context of international law, which in its structure contains a significant number of legal norms aimed at limiting the use of military force in resolving relevant international conflicts and implementing the principle of peaceful settlement of interstate disputes. The modern concept of the human right to peace is based precisely on the doctrine of international law, which includes several important universal principles of its practical support, in particular, the principle of non-use of force and the threat of force, the principle of resolving international disputes by peaceful means, the principle of non-interference in the internal affairs of states, the principle of equality and self-determination of peoples, the principle of territorial integrity of states, etc.

The scientific literature notes that «the UN General Assembly first recognized the right to peace in 1978 in the Declaration on the Preparation of Societies to Live in Peace. The declaration defines that peace between peoples is the main good of humanity and a necessary condition for its development. The declaration appeals to all states and international organizations to promote the realization of this right in every possible way. At the same time, the preamble to this Declaration asserts the right of individuals, states and humanity to live in peace, which is inalienable and must be realized without any restrictions. Respect for this right is described as a necessary condition for the progress of all peoples in all spheres of life» [3, p. 29].

In the context of the above, it should be emphasized that the right to peace can and should be considered at the same time as having a collective and individual character. Its basis should be recognized as the desire to achieve agreement both between states and their peoples, as well as between individual citizens and their associations within a certain society, and the desire for a peaceful settlement of any conflict situations at the macro and micro levels. It follows that not only peoples, nations or societies, but also separate individuals and their associations should be recognized as subjects of the right to peace. After all, the peaceful coexistence of citizens in the state is a necessary prerequisite for the development of appropriate mechanisms for ensuring and protecting any other human rights and freedoms.

Thus, the concept of «peace», which is the basis of this right, should be understood as the absence of military confrontation between two or more states, organized violence within the country, as well as a means of ensuring comprehensive and effective protection and defense of human rights, social justice, economic well-being etc. At the same time, the right to peace can be considered as the most
An important legal institution around which all other human rights and freedoms, including the right to life, are united. The content of the right to peace consists of the possibilities of relevant subjects to live and carry out certain activities in a state of agreement with other collective and individual subjects of law.

Studying the general theoretical context of the essence and nature of the human right to peace, it is necessary to pay attention to the problem of the systemic nature of its normative support, which, as evidenced by the realities of today, cannot be effectively solved only with the help of appropriate legal means, in particular international ones. Thus, certain issues of peacekeeping have found their international legal anchoring in a number of UN acts, in particular, in the Declaration on Spreading the Ideals of Peace, Mutual Respect and Mutual Understanding among Peoples to Youth (Resolution 2037 (XX) of the UN General Assembly of December 7, 1965), in Declarations on the use of scientific and technical progress in the interests of the world and for the benefit of humanity (Resolution 3384 (XXX) of the UN General Assembly dated November 10, 1975), in the Declaration on the Education of Peoples in the Spirit of Peace (Resolution 33/73 of the UN General Assembly dated December 15, 1978), in the Declaration on the Right of Peoples to Peace (Resolution 39/11 of the UN General Assembly of November 12, 1984), etc.

At the same time, these and other international legal sources of the formation of the concept of the right to peace, unfortunately, turned out to be unable to practically ensure the specified right in the life of modern societies, the violation of which in the current realities of the Ukrainian-Russian war has an unprecedented character since the Second World War. In this regard, we believe that the development and implementation of an effective system of legal guarantees of the human right to peace, which are an organic component of the general system of such guarantees, should be recognized as one of the most important tasks of modern legal science.

There is no doubt that a comprehensive system of guarantees of human rights and freedoms, of which legal guarantees are an organic component, must demonstrate the realism (viability), efficiency, effectiveness of the corresponding rights and freedoms. In essence, guarantees of human rights are means, conditions and obligations aimed, on the one hand, at their effective implementation in the actions and behavior of citizens, and on the other hand at countering or preventing their violations by other subjects, and in the event of such a violation - for their restoration and protection. In this case, it is primarily about the obligation of modern states and the international community to create all the necessary conditions, including legal ones, for the exercise of human rights, their protection and defense, in connection with which such guarantees can conditionally be divided into internal (national, state) and external (supranational, international).

That is why in modern legal literature, human rights guarantees are understood as a system of general and special legal means and institutions aimed at promoting
the realization of human rights, as well as ensuring their comprehensive protection and protection against violations [4, p. 468].

Thus, the guarantees of human rights include both general means and institutions that ensure their practical implementation, protection and defense, as well as special or legal instruments for their provision, which manifests itself at the national and international levels. In the first case, we are talking about the political, social, economic, cultural and other general prerequisites for the proper implementation, protection and defense of human rights, and in the second - about the legal mechanism or interconnected legal means that provide the opportunity for every person to freely and fully realize and protect their rights. After all, the goal of legal guarantees of human rights is to provide legal means of maximum assistance in the exercise of human rights and freedoms, as well as their protection and defense. The nature of legal guarantees of human rights is directly related to the nature of law as a socio-normative system, in particular, the fact that such guarantees have a universally binding, formally defined character, are embodied in legal norms of various legal force (constitutional, legislative, sub-legal, etc.), are accepted on levels of individual states, their associations (for example, the European Union), as well as relevant international organizations. At the same time, legal guarantees of human rights always have a defined regulatory and legal form, they find their objective (external) expression in specific legally significant facts of social reality (for example, the direct use by a person of the right granted to him, organizational and law enforcement activities of subjects of power, consideration and resolution by courts of certain categories of legal cases, etc.).

In the context of the above, it should be noted that the creation of an appropriate system of legal guarantees of human rights and freedoms, their effectiveness or positive results, is directly interconnected with numerous and multifaceted processes taking place in social life (political, economic, cultural, etc.), specifically historical conditions development of society and the state, with goals set in the process of legal regulation of social relations, as well as tasks and functions, the implementation of which is directed by the relevant legal norms. After all, legal guarantees of human rights and freedoms organically combine normative prescriptions aimed at ensuring the effective implementation and protection of enshrined rights and freedoms, as well as norms that determine the appropriate toolkit or mechanism for their restoration and protection in case of violation by other persons. It is, in particular, about legal facts that are connected with the emergence and use of rights and freedoms, about the mechanism of judicial and administrative control and supervision of their observance, including legal norms that determine the procedure for bringing to legal responsibility persons who, by their actions or inaction violate human rights and freedoms, about means of prevention and countermeasures against violations of human rights, etc.
At the same time, attention should be paid to the fact that the legal guarantees of human rights and freedoms established by the state in the process of law-making activity are of a special nature, in connection with which their effectiveness directly depends on a number of objective and subjective factors and conditions. In this sense, it should probably be recognized as axiomatic that in the conditions of the implementation of a balanced social, economic and cultural policy of the state, a high level of moral and legal consciousness of its citizens, a stably functioning democratic political system, etc., the violation of human rights and freedoms will have an isolated, non-systemic nature, because the main factors or preconditions that contribute to such violations are minimized. This means that the content of legal guarantees of human rights and freedoms is connected, among other things, with the general trends of the development of society and the state at a certain historical stage, with the peculiarities of relationships and interactions in the coordinate system of the general normative continuum, with the specifics of the organization and activities of the institutional component of the legal system, etc.

In addition, legal guarantees of human rights are directly interconnected with the nature and features of such rights, with objective parameters or the nature of social relations in which these rights are exercised, with trends in their development, etc. This fully applies to the right to peace, which, in addition to the traditional understanding of its content through the prism of collective law, the subjects of which are peoples, nations or societies, which is traditional for the science of international law, also has a clearly expressed individual character, in connection with which it must be considered, explored and ensured as the inalienable right of every human being to peace. At the same time, attention should be paid to the fact that the full implementation of this individual, personal right of each person, unlike most other human rights and freedoms, is not carried out directly in specific actions, but involves a number of components that connect its content with other fundamental human rights, in particular, with the right to life, the right to medical and other social security, the right to a safe environment, the right to freedom and personal integrity, etc. After all, the object of this right is not some specific individually and socially significant good, but the general category «peace», which should be understood primarily as a state of harmony, coherence, harmony, unity, and consensus between subjects of law at all levels.

In view of the above, we believe that the system of conceptual foundations of the legal protection of the human right to peace, in addition to direct norms, which at the constitutional level should first of all enshrine the right of everyone to peace or a peaceful life in society and the state, also includes a number of legal norms that aimed at ensuring the effective implementation, protection and defense of other fundamental human rights.
In order to practically illustrate the specified reflections, we would like to offer some illustrative basis. In particular, in the context of defining the conceptual foundations of the legal protection of the human right to peace, we consider it necessary to define, first of all, the following meaningful blocks of normative and communicative practices of today, which require proper legal protection in order to effectively guarantee this right, namely: a) security; b) anti-discriminatory; c) socio-economic; d) moral.

The security block of the conceptual foundations of the legal protection of the human right to peace, for obvious reasons, must be reproduced taking into account the regulatory and legal array created in the European Union. In particular, it is about constitutional acts of the EU. In this context, we consider it necessary to emphasize that Article 2 of the Treaty on European Union establishes that the Union is based on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, in particular the rights of persons belonging to minorities. These values are common to all member states in a society of pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men.

Article 3 of the aforementioned Treaty defines the purpose of the Union - to maintain peace, its values and the well-being of its peoples. The Union offers its citizens an area of freedom, security and justice without internal borders, where the free movement of persons is ensured and, at the same time, appropriate measures for external border control, asylum, immigration, crime prevention and fight against it. The Union promotes peace, security and sustainable development of the Earth, solidarity and mutual respect of peoples, free and fair trade, eradication of poverty and protection of human rights, in particular the rights of the child, as well as strict observance and development of international law, in particular, respect for the principles of the Charter of the United Nations.

In our opinion, the provisions of Article 42 of the Treaty on the European Union relating to common security and defense policy are of incomparable value for ensuring the right of every citizen of Ukraine to peace in today's realities. According to the provisions of the specified article, the common security and defense policy of the European Union is an inseparable part of its common foreign and security policy, which ensures operational capability based on civilian and military means. The Union may use these assets in missions outside the Union to maintain peace, prevent conflicts and strengthen international security in accordance with the principles of the UN Charter. We believe that these provisions should become the basis of Ukraine's security and defense policy at the stage of modern peacebuilding [5, p. 35-36, 61-62].

The anti-discrimination block of substantive characteristics of the conceptual foundations of the legal protection of the human right to peace primarily concerns citizens from the so-called socially vulnerable population groups. It should be noted...
that in peacetime, before the Russian aggression against Ukraine, guarantees of ensuring the rights of representatives of socially vulnerable groups, such as Roma women, women living in rural areas, and women with disabilities, were traditionally discussed on relevant communication platforms etc. After the Russian aggression, especially its full-scale dimension and the effect of the legal regime of martial law on the entire territory of Ukraine, this issue, unfortunately, was supplemented by the following categories: internally displaced persons, externally displaced persons; persons who are in the occupied territories, on the line of demarcation of fire; women who have experienced gender-based violence; children etc.

In this regard, we can state the presence of: a) certain vulnerable social groups that existed before the Russian aggression; b) vulnerable social groups associated with such aggression, especially after February 24, 2022. We propose to take into account the specified circumstances and the corresponding set of socially vulnerable population groups to the scientific community in national and international dimensions.

Taking into account the above, as well as the limitations of the article, we propose to briefly outline the task of the scientific study of this issue, which is important in the context of the full-scale invasion of the Russian Federation in Ukraine, in particular in terms of increasing the effectiveness of the implementation of international standards of gender equality in the national legal system of Ukraine, aimed at ensuring against the above actions.

As you know, the international standards of gender equality represent a system of specific international legal prescriptions aimed at ensuring gender equality in all its multifaceted manifestations, primarily the equality of rights, opportunities and results of women and men, which must be achieved by modern democratic states in the process of forming and implementing state policies in the relevant sphere or sphere of public life. Currently, these standards are enshrined in a number of general and special international legal acts at the level of the UN, the European Union, the Council of Europe, etc. These include, in particular, such international legal acts as the Universal Declaration of Human Rights (1948), the European Convention on Human Rights (1950), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic social and cultural rights (1966), Convention on the Elimination of All Forms of Discrimination against Women (1979), European Social Charter (Revised) (1996), Charter of Fundamental Rights of the European Union (2000), Council Convention of Europe on preventing violence against women and domestic violence and combating these phenomena (hereinafter referred to as the Istanbul Convention) (2011), etc.

In this context, it should be noted that international standards of gender equality are developing within five main directions, namely:

1) elimination of discrimination (inequality, unequal access, etc.), which involves the protection of women's rights in various spheres of social life;
2) achieving equality between men and women (qualitative equality);
3) ensuring equality in the representation of men and women in public and state institutions (quantitative equality);
4) prevention of crimes in which women are the object of the crime (for example, prostitution, slave trade, etc.) [6, p. 32];
5) prevention of violence against women, including domestic violence and countering these phenomena.

When considering the indicated directions of development of international standards of gender equality, it is necessary to pay attention to the fact that, traditionally, the relationship between men and women has always been and to a large extent continues to be under the influence of a certain set of social regulators, among which law, morality and religion should be singled out first of all. At the same time, each of the named socionormative systems is responsible for the formation and development of the corresponding component of the normative consciousness of individuals, in particular, legal consciousness, moral consciousness, and religious consciousness, which to one degree or another are inherent to each individual and, along with the general functions and features of their manifestation, have the limits of optimal, positive influence on her consciousness, will and behavior are determined. This, in turn, means that in the process of developing and adopting international standards of gender equality, and even more so their further implementation into the national legal systems of modern states, the objective relationships between the main socionormative systems must be taken into account, the consistency of which is a guarantee of the effectiveness of practical the implementation of such standards in social life and the reduction of the level of conflictogenicity of social relations in connection with the correlation and mutual correspondence of normative requirements for the content of gender equality, which function within the limits of law, morality and religion.

Indeed, if we are talking, for example, about the creation of legal guarantees to ensure the rights of women of Ukraine to professionally engage in science, art, politics, jurisprudence, public activities, high-tech production, etc., then this will certainly be generally consistent with the public morality of Ukrainian society, which includes itself a system of ethical norms, rules of behavior that have developed in society on the basis of traditional spiritual and cultural values, ideas about goodness, honor, dignity, public duty, conscience, justice. Moreover, such legal guarantees will fully correspond to the Christian tradition of the Ukrainian people, if at the same time the natural purpose of a woman to be a mother is not denied, which should not prevent her from engaging in relevant socially useful activities. However, the situation will be somewhat different in the given context if, for example, appropriate narratives are enshrined in the legal norms, which will contribute to the involvement of women in hard physical work that can negatively
affect health, primarily reproductive. The latter fully applies to the increasingly popular idea of attracting women to serve in the army in positions that require their participation in combat operations. Perhaps it is necessary to admit that in these cases the legal standards will not adequately correspond to the moral and religious coordinate system of Ukrainian society.

In this context, special attention should also be paid to the implementation of international standards of gender equality in the field of preventing violence against women, including domestic violence and countering these phenomena, in particular, those normative requirements contained in the Istanbul Convention.

The multifaceted nature of issues related to various forms of violence against women, including domestic violence, wide social resonance, social significance, and the ambiguous nature of the consequences of the implementation into domestic law enforcement practice of the existing international mainstream understanding of various gender issues, determine the need to consider the phenomenon of violence in relation to women in the socio-cultural context as a whole, the legal component of which can have only limited effectiveness, and therefore requires appropriate «support» from other socio-normative systems traditionally functioning in society. After all, it is obvious that any violence as a form of behavior is determined by a number of factors of a socio-cultural nature, a significant part of which is objectively outside the legal influence, no matter how perfect and balanced it may be. In this case, we are talking about socio-cultural components that determine violent forms of behavior of individuals, in particular, such as a lack of moral culture as a result of improper upbringing; worldviews of a person related to the cult of a strong personality, ethnicity, individualism, egocentrism, etc.; significant spread of various subcultures, some of which are frankly harmful and even socially dangerous, etc. [7].

In this regard, the causes of violence against women, including domestic violence, in most cases are in a purely moral dimension, as they are primarily associated with the insufficient development of a person's moral consciousness, with false value attitudes manifested in the dominance of his egocentric qualities, in particular, such as intolerance, contempt, irresponsibility, selfishness, hostility, brutality, cruelty, impudence, ill-manneredness, suspicion, slander, rudeness, etc. It is these and other morally negative human qualities and feelings, and not the lack of knowledge of the norms of the relevant legislation or the corresponding patriarchal or any other gender stereotypes, that are one of the main reasons for violence, including violence against women.

Thus, the implementation of international legal standards of gender equality in the national legal system of Ukraine should take place taking into account the integrity and coherence of the main components of the socionormative continuum of Ukrainian society, which has accumulated significant historical experience in the prevention of various pathologies in gender relations based on the systemic influence
of all important social regulators. It is this approach that will provide an opportunity to ensure real, not declarative, effectiveness of appropriate communication practices between women and men, reducing the indicators of violence against women to a minimum.

The third block of substantive characteristics of the conceptual foundations of legal protection of the human right to peace is related to the protection of socio-economic human rights.

When thinking about social rights, the scientific and civil communities should properly emphasize the fact that nowadays not only the state has proved unable to respond to some threats even close to European models, but also, in fact, the national legal system has demonstrated the «arrhythmic» nature of its functioning in today's conditions. It is necessary to pay attention to the fact that in today's realities, the socio-economic block of human rights and freedoms is directly interconnected with such general social tasks as guaranteeing national security, eliminating the consequences of the full-scale invasion of the Russian Federation in Ukraine and environmental disasters; implementation of social programs that will reflect the position of «everything necessary is taken into account»; maintenance of rehabilitation measures, including the social section of veteran policy, etc.

In these conditions, it is extremely important what «section» of social rights the legal system should provide today, guarantee to the state and defend to the judiciary: those that will be built now for decades according to the residual principle, or those that will help in modern Ukrainian realities to live not only by «the only bread», but also to have sufficient conditions for the self-realization of a person, protection of his honor and dignity. Thus, in European countries in today's conditions, the right to a sufficient standard of living is one of the most important social rights of an individual. Despite the fact that each person should personally take care of his well-being, he should, however, be given the opportunity to provide himself with a minimum standard of living. Especially when it comes to an elderly, disabled person. This is the duty of the state, according to which it recognizes the right of everyone to a sufficient standard of living for himself and his family.

It should be noted that the concept of «sufficient standard of living» is, at least to a certain extent, evaluative, that is, each person determines for himself the level that corresponds to his ideas about sufficient standard of living. However, the position formulated by the lawyers of Ancient Rome, according to which «the law can and must be defined» (Digestes of Justinian), is relevant for any legal system. The principle of certainty, accuracy, and unequivocal legal norm is considered a guarantee of a strong legal order, because provided that every member of society understands his rights and obligations, he receives a certain freedom of action and decisions within the legal space. It is up to the state to determine and establish minimum standards below which the standard of living of citizens cannot decrease.
Of course, ensuring a sufficient standard of living is a difficult problem even for wealthy countries. The implementation of the right to a sufficient standard of living certainly affects the internal resources and capabilities of the state. The right to sufficient standard of living includes, as already discussed, such opportunities as the right to adequate food, the right to adequate clothing, the right to housing, to the improvement of living conditions, etc.

Guaranteeing a sufficient standard of living for citizens is a component of the social policy implemented in the state, the purpose of which is to ensure the material and spiritual welfare of citizens, to achieve stability and safety of life in society, integrity and dynamism of its development. That is why it is extremely important to ensure social human rights, as noted by leading legal practitioners and representatives of the scientific center, to develop the following areas, namely:

1. Redistribution of material goods between regions and strata of the population, directing them to ensure the average standard of living achieved by this country throughout the country, preventing poverty, changes in the quality of life indicators towards deterioration (including for internally displaced persons).

2. Creation of state, primarily legal, guarantees for the prevention of natural disasters, epidemics, epizootics, man-made disasters, for immediate elimination of their consequences, assistance to the affected population.

3. Creation of systems of education, health care, pension provision, solutions of other social issues, taking into account the issue of safety of citizens, population groups, etc., accessible to broad strata of the population.

In addition, we must take into account that conducting a «good» social policy is impossible today without the following statements: it is important to emphasize that in order to ensure in practice social human rights, it is necessary to doctrinally develop and implement the category of «social responsibility» of the state, business and other institutions of civil society. Without proper, rights-corresponding duties, as well as the proper level of social responsibility of the relevant institutions, it is impossible to raise questions about the effectiveness of the realization of socio-economic rights, neither in the theoretical sense, nor in the practical plane.

Finally, a few words about the last, so-called «moral» block of meaningful characteristics of the conceptual foundations of legal protection of the human right to peace, which is connected with the need to ensure an optimal balance of relationships in the integral normative field of functioning of any society, the central component of which is law, morality and religion as relevant socionormative systems.

One of the most important prerequisites for ensuring the effective practical implementation of the right to peace is a «healthy» moral environment for the life of a person and society, which can be achieved under the condition of appropriate «normotactics» or an appropriate level of coherence and interconnection between
social regulators, primarily law, morality and religion. The latter is connected, among other things, with the fact that any social conflicts have a corresponding moral justification at their core. In addition, the relevant religious norms or, to be more precise, subjective interpretations of their content by certain persons, often act as determinants of violence, including at the international level. It follows that effective practical enforcement of the right to peace is impossible without taking into account the relevant moral and religious context of social life.

In this context, it should be noted that the moral progress of society involves a change in the state of consciousness and will of the subjects that make it up, and its direction towards the achievement of the ideals of good in all the diversity of their manifestation, as well as their concrete, relative embodiment in social life. It is the moral progress of society that is the basis of any other form of social progress, including the progressive development of the legal system, as well as the source of minimizing the negative consequences or so-called «side effects» of social development, which will always take place to one degree or another in any which society in connection with the objective impossibility of achieving the absolute fullness of moral existence in social life [8, p. 85-86].

It follows from this that various issues related to ensuring peace in the relevant social environment, including between states, are not limited, in fact, to the legal context of their solution, as they are, among other things, within the limits of such moral concepts as kindness, mutual respect, good faith, mutual understanding, decency, justice, honesty, loyalty, mutual support, etc., which are phenomena of a primarily moral nature. Law as a normative system objectively cannot grasp the deep meaning of the mentioned moral phenomena, which, among other things, is connected with the later historical period of its formation and development compared to morality. It is important to note that a person's moral obligations are not limited by any statuses or formal signs such as belonging to a certain faith, nation, family, any social group, but are firmly connected only by a sense of universal human solidarity based on kindness, compassion and mercy. In contrast to morality, law, on the contrary, operates primarily with the formally defined statuses of certain subjects and social groups and, depending on these statuses, forms the appropriate system of rights and responsibilities of individuals.

Therefore, the fact of the absence of peace in international relations or, accordingly, the state of war between certain states is determined not only by the imperfection of the legal mechanisms for ensuring it, both international and national, but also to a large extent by the moral «climate» of modern societies, within which morality increasingly loses its transcendent, absolute origins, thus becoming more democratic, individualistic, capable of endless meaningful experiments and the perception of many alternatives. It is the disagreements in the moral prerequisites or principles of solving relevant international legal problems, life situations or
circumstances that are the basis of legal disputes, lead to multiple meaningful interpretations of legal provisions, including norms of international law, the implementation of which in this case will be based on certain subjective prerequisites (for example, the social status and financial capabilities of a certain person). Therefore, the fulfillment by national and international law of its important mission of ensuring social peace, including the peaceful resolution of any legal disputes and social conflicts, directly depends on the state of moral consciousness of the subjects of its implementation, which, in the case of its low level, are capable of distorting the content of any legal norms [9, p. 29-31].

Therefore, we have a situation where modern democratic states are forced to actually «stand on the same rake», trying to tie the solution of many issues of proper provision of international and domestic peace and security only to the adoption of the appropriate resolution, memorandum, declaration, law, instruction, giving bureaucratic instructions from above, etc.

In this context, it should be noted that the formation and development of a mature, responsible personality in any society always occurs not so much due to the appropriate level of legal education and legal awareness, familiarization of children and youth with the best achievements of legal culture and doctrine in the process of legal education, but due to her assimilation of basic moral imperatives, many of which also have a corresponding religious justification. Exercising an educational and regulatory influence on the will and consciousness of individuals through the prism of the dichotomy of good and evil and the phenomena and processes derived from them, morality not only affects their actions, behavior, activities and their corresponding results or consequences, but also constructs exemplary, ideal models of certain social relations and social institutions to which it is necessary to strive in social life. At the same time, the sources of morality have an objective-subjective dimension, since, on the one hand, they have a certain religious background and historical experience of spiritual and practical mastering of reality, are based on certain socio-cultural practices and traditions, and on the other hand, are related to individual a person's consciousness, his internal abilities and other possibilities, with the help of which he is able to understand and evaluate the surrounding reality.

Investigating the problems of the relationship between law and morality in today's realities, some domestic scientists rightly note that the lack of morality is acutely felt in modern society. Alienation, indifference, aggressiveness, nihilism, cruelty became manifestations of everyday life. Society reacts to this, on the one hand, with dissatisfaction and indignation, because the consequences of immorality violate the interests of everyone, and on the other hand, with reconciliation and indifference, because it cannot affect moral results, and law, as another social regulator, does not always satisfy needs expected justice [10, p. 299].
Indeed, the law as a state regulator of social relations cannot objectively establish this or that moral and/or religious coordinate system, giving it a formally defined, universally binding status, since morality has as its basis, essential characteristic, the principle of voluntary recognition and fulfillment of moral obligations by a person imperatives or norms. The moral system of coordinates is not established by an order or law issued by an authorized body of state power, but is a consequence of both the relevant historical experience of the spiritual understanding of a multifaceted social reality, and numerous temporal and spatial communicative practices and interactions, in which individual freedom and personal qualities of one or another are manifested subjects that primarily have a moral dimension of their assessment.

At the same time, the law can and should be a necessary tool for the protection of public morality, that is, the system of moral norms and rules of behavior that have developed in society on the basis of traditional moral and religious (spiritual) values, in particular, ideas about good and evil, honor and dignity, justice, good faith, public duty and social responsibility, etc. After all, in the opposite case, especially in modern conditions, the complication of social relations, their comprehensive capitalization and informatization, including virtualization, the leveling of the role and meaning of traditional moral norms with the simultaneous absolutization of the possibilities of law to regulate all relations in society will inevitably lead to an exacerbation of the conflict of moral and legal values, which will contribute to the further destabilization of law and order in society and its institutions, the spread of deviant behavior, and therefore, the destruction of peaceful interaction at the macro and micro levels.

Developing this opinion, it should be emphasized that one of the primary tasks of a modern democratic, legal, and social state should be recognized as the creation of effective legal, organizational, and technological support for the protection of citizens, especially children, from the influence of negative or harmful information, as well as the stimulation of the production of quality, a socially useful media product aimed at the moral education of individuals and the formation of appropriate moral beliefs and personal qualities in them. At the same time, it is also obvious that the successful implementation of the specified tasks is possible only under the condition of effective interaction of the state with the relevant institutions of civil society, the state of the moral climate in public life depends on their activity even to a greater extent.

Conclusions. Thus, we can draw the following conclusions:

1. Functionally, the central right in the modern system of human rights, its normative and value core is the right to peace, the meaning of which is the right of certain individuals, certain social groups, as well as societies, to live and carry out their activities in a peaceful social environment or, in other words, in the conditions
of the guaranteed absence of military or force methods of solving social conflicts at the macro- and micro-levels, the application of which nullifies the social significance and value of any other human rights and freedoms. After all, without the proper implementation of the human right to peace, the provision and protection of other rights and freedoms, including such a fundamental human right as the right to life, will look like only good intentions and wishes.

2. In the conditions of increasing military and terrorist threats, the right to peace increasingly acquires an individual meaning, in connection with which it must be studied and ensured as an inalienable, fundamental right of every person to peace, which acts as a necessary prerequisite for the realization of any other human rights and freedoms. After all, the highest social values in the state, such as the life and health of a person, his honor and dignity, inviolability and security, etc., can be properly ensured and protected only in the conditions of peaceful coexistence of people, social groups, societies and states.

3. The modern system of human rights and, in particular, the right to peace, require complex socio-normative provision and protection, not limited, in fact, only to the relevant legal mechanisms. At the same time, the origins of social normativity, including law and morality, cannot be limited to the so-called conventional level of its formation and development, divided into a random set of individual and group life projects outside the context of higher, transcendent foundations of human existence.

4. Legal guarantees of the human right to peace represent a system of legal means aimed at establishing in society a state of harmony, coherence, harmony, unity, and consensus between legal entities at all levels in order to ensure the effective implementation, protection and defense of all other rights and human freedoms. At the same time, the effectiveness of legal guarantees of the human right to peace directly depends on the correct consideration by the legislator in the process of their establishment of a number of objective and subjective factors and conditions (economic, cultural, political, etc.) that take place in public life.

5. The most important components of the normative and communicative practices of today, which form the content of the conceptual foundations of legal protection of the human right to peace, and therefore the legal guarantees of this right, are issues of a security nature, countering various manifestations of discrimination in public life, protection and defense of socio-economic human rights, as well as the establishment in society of moral values of goodness, social responsibility, decency, conscientiousness, respect, etc.

References:


Література: