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CONSTITUTIONAL AND LEGAL MECHANISM FOR THE IMPLEMENTATION OF HUMAN RIGHTS IN MODERN RUSSIA

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***Abstract.** This article discusses the concept of mechanism, analyzes approaches to the essence and understanding of the mechanism for the implementation of human rights in modern Russia. Methods and methods of the mechanism for ensuring human rights are being studied*

***Keywords:** human rights, human rights protection mechanism, human rights implementation mechanism.*

Introduction.

Before considering the mechanism for the realization of human and civil rights and freedoms, it is necessary to understand what the concept of "mechanism" is from the point of view of human rights. Since any mechanism is an internal structure of a system of something, a set of States and processes that make up a phenomenon, a set of interrelated elements that make up a certain system that is in a certain movement [6].

Main text.

The definition of the mechanism for the implementation of human rights is usually considered within the framework of legal regulation. The elements as components of the mechanism of legal regulation include legal norms, normative legal acts, legal relations, acts of implementation of rights, law enforcement acts, etc. Hence, there is an opinion that the rules of law are the basis of the mechanism of legal regulation. It is important to note that there are a sufficient number of approaches to understanding the term in question in the scientific literature, each of which has the right to exist. In the theory of law, the concept of "mechanism for the realization of rights" is considered from different sides. Some scientists believe that an element of the mechanism for implementing rights is their protection. Thus, N. V.

Vitruk writes in one case that "the realization of rights and freedoms includes their protection (protection) in case of violation in order to fully implement them. Protection, according to the author, is a stage of implementation." And in another – that the "protection (protection)" of rights does not coincide with the content of their implementation, being a special type of legitimate positive activity of state bodies and the public, as well as the individual himself as the bearer of rights and freedoms." [1]

In modern conditions, the problem of implementing human rights is very relevant. First of all, it has a close connection with the order of their social and legal support. This security procedure has its own specifics. These features include: Recognition by the state of the rights and freedoms of the individual as the highest value; State sovereignty of the individual; Formation by the state of the necessary conditions for free personal development, etc.

According to the majority of authors, the issue under consideration is not only relevant, but also acts as a certain weak link of the Russian state. First of all, this is due to the incompleteness of the mechanism for ensuring and implementing human rights. This situation is predetermined by the presence of some problematic issues in public and state life, which cannot but have a negative impact on the mechanism for the implementation of human rights. However, it is necessary to say that the use of effective mechanisms and the most competent legal norms does not provide 100% guarantees in the successful implementation of such a mechanism, since society and the state are constantly developing, and are not at the stage of stagnation.

In this regard, in order to ensure the effective implementation of human rights, legal guarantees alone will not be enough, which is why there is a need for a specialized legal institution called the human rights protection mechanism. This institution is a huge complex of factors, methods and tools that make it possible to create all the necessary conditions that are required for the effective protection of human rights and freedoms. If we talk about the components of the mechanism under consideration, they include the following: Legal guarantee; Responsibility; Rule of law; Control; Lawful behavior, etc.

Based on the above, we can try to formulate a definition of the implementation of human rights. In particular, this concept is a process regulated by legal norms that allows all citizens to provide material and spiritual benefits and their protection from any encroachments. From the point of view of its content, such a process is democratic.

For a more complete understanding of the term concerned, it is necessary to analyze the opinion of some authors on this issue. So, in particular, from the point of view of L. S. Rasskazov, such a term acts as a process by which certain ideal models are transformed into real ones that Express the needs and needs of the masses. [3]

From the point of view of N. V. Vitruk, human rights and freedoms can be realized to the necessary extent only when they are supported by the use of separate legal means. According to the author, such means can be the establishment in the legislation of a mechanism for the implementation of a certain right, including their protection in case of violation. [1] The number of protective methods can include, in particular, appeal to the judicial authorities.

When summing up the interim result, it should be said that the content of human rights is revealed by means of their real provision, and not only by formal establishment of their legal acts and law-making.

Of course, the state is carrying out a variety of activities aimed at improving the mechanism for ensuring and protecting human rights. However, the effectiveness of such a mechanism depends on a huge number of factors, including: Level of development of a certain civil society; From the work carried out by different categories of people: lawyers, economists, etc.; From the quality of assistance and support provided by various human rights structures, etc.

It should be noted that an important characteristic of any democratic state is the implementation and protection of human rights and freedoms. In this situation, acting as a democratic state, the Russian Federation is no exception. The trend formed in this area generally corresponds to the current picture of the social development of the Russian state, which is also supported by the participation of the Russian Federation in various international organizations that also implement and protect human rights

and freedoms. It is important to understand that the solution of this problem should be among the main tasks of the state, and not act as something secondary, relegated to the background.

From the point of view of jurisprudence, the following forms of human rights implementation are defined: Use of legal norms; Compliance with legal regulations; Enforcement of legal norms; Application of the law.

Conclusion

Legal culture and its level are among other factors that influence the mechanism of realization of human rights and freedoms. The concept of legal culture includes other phenomena such as law, culture, morality, religion, etc.

However, the defining factor in the characterization of this term is the culture as a whole. Thus, the essence of culture is represented by active creative and historical human activity. The result of this activity is the development of a person as a cultural subject involved in this activity. In this situation, the primary importance is given to the personal component of culture, which provides an opportunity to determine the natural historical process of social development as a result of human activity that led to the formation of material and spiritual values. In the course of such activities, a person develops and changes his values, needs, and guidelines, which also cause the emergence of a natural need to distinguish individual needs and needs of a person into objectively existing rights.

In summing up the article, we note that the existence of a mechanism for the implementation of human rights is an integral part of any democratic state. Every democratic state, for its development and prosperity, must pay great attention to ensuring and implementing, as well as protecting, human rights.

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