

Legal changes in the modern global context

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This article is devoted to the legal changes and the influence of globalization on this process. They are identified as the main processes that make an impact on the change of the legal system. They are harmonization, approximation and convergence. It becomes obvious that legal changes should be made in accordance with the national and local culture of different peoples.

Key words: globalization, legal system, law, legal institution, policy, modern world, global changes, harmonization, approximation, convergence.

Global changes that are occurring all over the world form and develop the modern world, influencing the political, economic, legal and socio-cultural systems of states. Such a process is called "globalization".

It is believed that due to globalization there are changes and modernization of state-legal institutions, norms and relations at the world, macro-regional and national levels. Moreover, not only the law is changing, but also the modern theoretical foundations in the field of law.

It should also be noted that the changes in the legal system are influenced by the social and economic and political situation on the world stage. Scientists identify several processes that influence the change of the legal system. This is harmonization, approximation, convergence.

The function of harmonization is to combine, harmonize regulatory acts. This process emerges as an initial goal. Approximation is the result of the harmonization of law, it is not only a process of convergence of legal systems, but also a process of simplifying legal norms by replacing legal material on the model of foreign legislation. This process also includes the mechanisms of legal interaction.

In pursuit of the unification and universalization of the legislative and legal systems of national states, it is important not to lose the main component of national law: due to the historical and cultural origin and development of the state and law, the mentality of the people, their legal culture and identity, that is, national identity of each state and its legal system. Only the right to culture, mentality, people's expectations, the right will find a response in the minds of members of society and, accordingly, be implemented in practice. Thus, the national legal system existing in each state will be effective only if it is built on the basis of generally accepted norms of

international law, taking into account the legal mentality, legal culture and legal awareness of the people.

The process of globalization has a certain impact not only on the essence, content and purpose of law, but also on its sources, or forms, rights, this influence affects all levels of the existence of legal matter, namely, global, regional and domestic (national). At the first two levels, the emergence and change in the course of the development of society and the state of sources of law is directly related mainly to the law-making activities of supranational and interstate institutions, and at the national level, as before, mainly to the law-making activity of the state. At present, as evidenced by social practice, the sources of regional and national law have undergone the strongest and most noticeable impact from globalization. A good example of the impact of globalization on the sources of regional law is the process of formation and development in the post-war period of various sources of law of the European Union - such as constituent treaties; contracts that make changes and additions to the constituent documents; agreements on the accession of new states to the European Union; precedents set by the European Court of Justice, and other acts.

One example of the impact of globalization on the sources of national law may be the evolution of the sources of the law of modern Russia. The result was a wider use in various branches of the law of the legal contract as a source of law; the actual recognition and application of judicial practice (precedent) as a source of law; the emergence in the system of legal acts, with the introduction of the presidential form of government in the country, presidential decrees; consolidation in the 1993 Constitution of the provision that "the generally recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system" and that "if an international treaty of the Russian Federation establishes other rules than those provided by law, then the rules of the international treaty [3, c. 200].

Along with new functions and targets at the global and regional levels, new subjects of economic, political, legal and other relations appear, new subjects in the areas of law-making, law enforcement, as well as in the field of law enforcement. These types of entities should also include international funds such as IMF, international banks, international courts like the Hague Court, law enforcement institutions like Interpol, transnational corporations and other interstate and supranational organizations.

The legal system of Russia at the present stage is absorbing the experience of world legal development with the aim of updating and improving it. Therefore, it is quite natural to perceive foreign ideas in some areas, in particular, in the field of legal thinking. But it is important to note that what is happening is not blind copying, but creative processing of foreign experience and building on its basis of new original ideas and concepts. In matters of law understanding, legal

culture and legal systems, it is important, among other things, to consider what type of culture a particular system belongs to. This, in our opinion, is decisive in the formation of the image of law within the legal system. In this regard, in the western legal literature, over the past few years, the concept of forming a unified, “global jurisprudence” in the modern world has been developed, the aim of which is, on the one hand, to “assist” the process of unification of law at the global and regional the other is the desire to preserve the “legal foundations of national and local culture”, as well as the maintenance of a “balance of values” between the “autonomy of the individual and the effective management of justice.

It should be noticed that in a political and legal situation, the aforementioned value shifts are realized in the following points. First, there is a strict separation of the state, civil society and law. The right in modern society is of particular importance, it begins to regulate the institutions of the state, government, civil relations. From the sphere of guarantees and support of state power, the law shifts to the main and self-valuable area: it rises above the state and society and becomes the final authority in possible disputes and contradictions between society and the government, the individual and society. Secondly, at the end of the 20th century, the anthropocentric idea in the field of law begins to sound even more aggressively. Now it is becoming a legal axiom that any state power should have as its goal assistance to a person, ensuring his physical existence and well-being, maximum development of his individual abilities. Legal freedom is expressed in the ability to express and defend one’s own interests. The state should exist for the sake of man, but the man should not and cannot exist for the sake of the goals of the state. Thirdly, in a multicultural society as a complex differentiated system, the problem of a person’s legal status is particularly acute in close connection with the ontological essence of law. It is solved within the framework of an intersubjective attitude, ensured not only with the help of self-governing communities, but also through legal regulation. Law in this context can be represented as a condition of mutual understanding, which serves to solve problems and coordinate the goals of an individual through the mediation of society and political power.

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