

CURRENT ISSUES OF THE FORMATION OF FINANCIAL AND LEGAL DISCOURSES

THE CONCEPT OF “CITIZENSHIP” AND ITS MEANING AT THE PRESENT STAGE: SCIENTIFIC-THEORETICAL APPROACHES AND LEGISLATIVE ENSHRINEMENT

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At a time of instability of geopolitical processes, intensification of migration flows, breakdown of customary socio-economic and political ties between countries, one of the burning issues is the protection by the state of legitimate interests of its own citizens both within and outside the country. Citizenship guarantees political and legal protection as well as socio-economic stability to the individual.

The aim of the study is to reveal the main scientific and conceptual approaches to the definition of the institute of citizenship as a legal category in domestic and foreign legal literature.

Material and methods. The research material includes scientific publications of authors such as I.I. Lukashuk, V.G. Strekozov and others, as well as relevant national and foreign legislation. The main methods used are the comparative-legal and specific legal analysis.

Findings and their discussion. The definition of the essence of the concept of citizenship is among the most complex and important legal issues. Citizenship is one of the fundamental components of the legal status of a person. According to the Article 15 of the Universal Declaration of Human Rights of 10.12.1948, "Everyone has the right to a nationality. No one shall be arbitrarily" deprived of it or of the right to change it [1].

There are many approaches to the definition of citizenship and its essence. Thus, jurist I.I. Lukashuk notes: «Citizenship is a legal bond of a person with the state, defining mutual rights and obligations». A citizen also observes certain laws of his state. «The legal nature is most often understood as the connection of a person with the state, which forms the relationship of citizenship, which is manifested in the legal formalization of this relationship, that is, citizenship is a legal state, not just a de facto» [2]. This approach is the most common in European jurisprudence.

If we follow the opinions of other authors, a number of them supplement the legal connection of a person with the state with a binding and political one, defining citizenship as a political-legal connection, because, according to V. Strekozov, «actually the sovereign-state power affects an individual within a certain state» [3]. A similar position is also held by scholars K.V. Aranovsky, M.F. Chudakov, A.V. Yakushev and others.

I can say that many authors to this day follow Soviet approaches to the definition of citizenship. In the last generation of constitutions, the right to nationality is an inalienable political right. In a number of countries, the basic principles of the citizenship regime, as well as the modalities for acquiring citizenship, are also enshrined

in sufficient detail at the constitutional level. The constitutions of Brazil (Ch. 3), Mexico (Ch. 2), Colombia (Part 2) and others are examples of this constitutional approach to establishing citizenship. Thus, in the Mexican Constitution, according to article 27 (1) of the Constitution of Mexico, «Only Mexicans by birth or naturalisation ... shall have the right to acquire ownership of lands and waters ... in the Mexican Republic». And according to Article 32, «Under equal conditions, Mexicans shall be given preference over foreigners for all kinds of posts and positions, to perform governmental tasks where Mexican citizenship is not compulsory. It is stressed that only Mexicans by birth may hold positions in the Navy or Air Force, as harbour master or airfield commandant, perform pilotage service and customs agent duties in the Republic» [4].

In European countries, as a rule, constitutions do not contain detailed norms on citizenship; they limit themselves to stating only the right to citizenship in the chapters on the legal status of the individual. This institution is regulated in detail by special legislation.

According to Article 1 of the Law «On Citizenship of the Republic of Belarus» it is stated: «Citizenship is a stable legal bond of a person with the state and it is an inalienable attribute of the state sovereignty of the Republic of Belarus» [5]. Similar provision we can find in article 3 of the Law «On Citizenship of the Russian Federation» stated: «Citizenship is a stable legal bond of a person with the Russian Federation, expressed in the totality of their mutual rights and obligations» [6]. And also Article 1 of the Law «On Citizenship of Ukraine», Article 2 of the Law of the Republic of Lithuania «On Citizenship». According to Article 1 of the Law «On Citizenship of the Republic of Kazakhstan» states: «Citizenship of the Republic of Kazakhstan defines a stable political and legal relationship of a person with the State expressing the totality of their mutual rights and obligations» [7].

Conclusion. Thus, the institution of citizenship plays an important role in the development of any state, primarily in the protection of its citizens and the cohesion of the nation. The analysis of constitutional law allows us to conclude that it defines 'citizenship' as an exclusively legal relationship between a person and the state, and its possession implies full assurance to the person of all the rights (obligations) and freedoms recognised by law. At the same time, scientific works of many legal scholars emphasise the need for a political relationship between a citizen and his/her state, his/her active citizenship, patriotism and dedication to the state interests and the progressive development of the country.

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RELEVANT ISSUES OF THE LEGAL ACTIONS AGAINST TERRORISM

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In connection with the development of new technologies, communications, logistics infrastructure, terrorism has become a particularly dangerous global phenomenon at the present stage, it has changed its scope and capabilities. As the old tools of diplomacy began to lose their effectiveness, international legal cooperation became the main tool in the fight against terrorism and led to the creation of the necessary law enforcement organizations to establish cooperation between subjects of international law.

The purpose of the study is to reveal the main problems and directions of the fight against international terrorism in modern global conditions.

Material and methods. The materials of the study were official statistical international data, scientific publications of domestic and foreign authors on this issue. The main methods are the comparative legal method and specific legal analysis.

Findings and their discussion. The main targets attacked by terrorist organizations that pose a global threat are international stability and security of both humanity as a whole and individual states as well as universal human values as symbols of international interests. Many researchers have named the attacks in New York on September 11, 2001, committed by 19 terrorists from the banned international terrorist organization Al-Qaeda, as the starting point for the manifestation of international terrorism. Unfortunately, this terrorist organization is active to this day in more than 15 countries around the world [1].

In this regard, it is worth noting that international terrorism is carried out by non-state actors and refers to prohibited terrorist activities, however, a number of states are accused of creating relatively favourable conditions for its expansion.

There is still no generally accepted definition of terrorism. At best, we can rely on the «most generally accepted» definition of it, which is as follows: «terrorism is the use of violence to create a sense of panic and fear among the majority of the population for political, religious or ideological reasons», as a method it is used as at peace, and during military conflicts [2].

Terror is deliberately directed against civilians; its goal is to achieve publicity as possible. As a criminal offense is characterized by increased public danger, differs from