

policies conducive to globalization. Ecological organizations are an example of the interconnectedness of the global and local since each local group is entirely autonomous and engaged in issues that are relevant to the immediate environment, while these interests at the same time connect with national and international campaigns launched by the organization as a whole.

Conclusion

The transformation of the world from modern society into a global society of risk is a concept that allows us to introduce different meanings of democracy and security into analytical reasoning in the study of global change. The political system does not effectively control the plethora of global, regional, and local risks that emerge in contemporary society. The fear of new war conflicts worldwide is a constant occurrence. Territorial conditionality and legal subjectivity of the state in international organizations have been replaced by functional conditionality within international cooperation's institutionalization. The social movements as a global civil society are necessity and proof that there are no perfect democratic states, regardless of whether they have a democratic tradition or about those who aspire to become so. With the further development of the current geopolitical order, further development of international governmental organizations can be expected. Actions by international economic organizations cause the growing insecurity and instability emerging in the new world geopolitical order.

The significance of some actors increases, while the significance of others decreases. In addition to various factors whose influence is studied within the science of international relations, the emergence, development, and significance of individual actors of the geopolitical order are influenced by the processes developed in a geopolitical order. With globalization, deterritorialization, and further technological development, there will be a further weakening of states and a reduction in their role in international relations, and the importance of other subjects of international relations will increase, among others and various movements.

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BIOMEDICINE: INNOVATION, GOVERNANCE, RESPECT FOR HUMAN RIGHTS

The revolution that takes place in the field of biotechnology can lead to creating biological weapons, which in terms of affecting parameters are not inferior to nuclear weapon and are more flexible in its application.

Biological weapon because of its combat characteristics, the relative ease of access to its preparation by the terrorist organizations, ease of use, variability of algorithms used to commit acts of biological terrorism and their possible effects acts as the most likely instrument of committing acts of international terrorism among other types of weapons of mass destruction.

It is obvious that biotechnologies have enormous potential and opportunities to influence people and society. However, these perspectives are dual. Noting their scientific and economic significance, it is also necessary to bear in mind their potential threat to man and humanity, in par-

ticular, the dangers that may arise with the further penetration of the human mind into the natural forces of nature.

The movement for the protection of human rights that has developed around the world now relies on an extensive system of very diverse international legal agreements relating to the legal status of the individual. The deepening of this process in this area is carried out in several directions. The greatest importance is given to efforts aimed at ensuring the most representative participation of states in agreements on humanitarian issues, including the preservation of biological security on the planet, in order to transform these documents into reliable universal tools for ensuring human rights. Despite the improvement of bioengineering methods, the expansion of the market for biotechnological products, the obvious benefits and efficiency of using environmentally friendly biotechnologies in industry, agriculture and health care, there are still concerns in the society over the possible undesirable consequences for humans of biotechnological production and genetic engineering experiments.

The rapid development of biomedical disciplines significantly affects human rights, such as the right to life, the protection of honor and dignity, health, immunity, and a number of others. Since 1968, the international bodies operating under the auspices of the United Nations have constantly considered questions about the protection of the human personalities, their physical and intellectual integrity in the face of advances in biology, medicine. Since the early 1980s the similar situation exists in genetic engineering, which is a major component of biotechnology.

However, it is precisely now that fears arise that, in the course of realizing the positive potential of biotechnology and genetic engineering, unintended release of genetically modified organisms and recombinant proteins can occur in laboratories, at work, during field trials; and recombinant products which have not passed the appropriate control and prior approval by the competent authorities can come into the market. Despite the improvement of bioengineering methods, the expansion of the market for biotechnological products, the obvious benefits and efficiency of using environmentally friendly biotechnologies in industry, agriculture and health care, there are still concerns in the society over the possible undesirable consequences for humans of biotechnological production and genetic engineering experiments.

Some aspects of the legal regulation of the use of biotechnologies were studied by the following researchers: Beyleveld D., Brownsword R., Feiler W., Ruggiu D., Sasson A., Plomer A.

When paying attention to this situation, in this article the authors aim to conduct a retrospective analysis of the legal field of the use of biotechnology, as well as modern political and legal approaches to solving the problem of biosafety in the era of globalization. Due to the incredibly rapid progress of genetic engineering, resulting in relatively short intervals of time to the emergence of completely new levels of knowledge, qualitative and quantitative changes, public policy should be aimed at the constant improvement of legislation on the safety of genetic engineering based on to carry out constant propaganda of knowledge in this area to reduce the unreasonable fears of the population.

Emergence of bioethics and its further integration into law is due, on the one hand, to the possibility of realizing the achievements of medical and biological science in practice, on the other hand, the absence of a legal regulation in this area. The legal doctrine actively discusses the role of bioethics in modern society, because the law, as an institutional regulator, cannot cover all social relations. In particular, it is limited in its ability to solve the problems of regulating relations arising during abortions, organ transplantation, DNA modification and other relations related to the protection of the right to life and health.

Traditionally, there are three main models of the relationship between law and bioethics:

– the sociological model, according to which the law is recognized to be incapable of solving ethical problems and, as a result, the standards of bioethics are considered to be the only regulator in the use of biotechnology;

– a formalistic model where the law plays a major role in regulating any biotechnological issues, since the law establishes sanctions for violation of regulatory prescriptions.

Moreover, the degree of their integration is determined by the scope of application of biotechnology. So the cross - boundary move of GMOs is regulated by a universal international legal act such as the Cartagena Protocol. It contains a minimum of references to the principles of bioethics. At the same time, the regulation of biomedical technologies is mainly carried out by the norms of bioethics, since this sphere of social relations objectively cannot be completely regulated by the norms of law.

The great importance of bioethics norms while regulating the biotechnology makes difficulties in creating a single legal act at the international level, since the principles of bioethics are determined by the worldview as a system of generalized knowledge of the objective world, people's attitude to the surrounding reality from the standpoint of their ideals, principles and beliefs. But principles and beliefs are various among citizens of different countries.

The need to unify activities in the field of biomedical technologies was the main reason for the adoption of legal acts in the field of bioethics. The first laws were: the Nuremberg Code (August 1947, Nuremberg), the Helsinki Declaration of the World Medical Association "Ethical Principles of Medical Research with Human Participation as a Subject", adopted at the 18th Assembly in 1964, "International Ethical Guidelines for Biomedical Research on Human Beings", adopted by the Council of International Scientific and Medical organizations in 1982 (amended in 1993 and 2002), and others laws.

The Model Law "On the Protection of Human Rights and Dignity in Biomedical Research in the CIS Member States", adopted by the Inter-Parliamentary Assembly of the CIS Member States, is in force. The law extends to citizens of states participating in biomedical research and applies to all institutions and individuals involved in conducting this type of research.

According to Article 10 of the Law, all projects involving human biomedical research must undergo an independent ethical review by the ethics committee. Thus, the normative act contains the mechanism of moral evaluation of the technologies being developed before they are put into practice.

The 1994 UN Cairo Convention on Democracy and Development, the World Conference on Women (Beijing, 1995) and other international instruments enshrined a number of reproductive rights, including the right to make decisions regarding the reproduction of offspring, the right to achieve the highest possible level of reproductive health, including through the treatment of infertility.

In the field of assisted reproductive technologies, like other biomedical technologies, there is no single international legal act. It often causes serious problems. As a result, it seems reasonable of adopting a single international law in the field of biotechnology applications (including in the field of assisted reproductive technologies, or at least in the field of legal regulation of surrogate maternity common principles for conducting medical biotechnological research. It will help to solve the problem of controversial situations.

The development of biotechnology, the introduction of their achievements into practice has identified the problem of ensuring the safety of human health and the environment. The use of modern biotechnology in practice requires proper legal regulation, because this sphere of social relations is new and not previously regulated by the rules of law. At the same time, it is necessary to take into account not only the positive effects of the development of biotechnologies (combating hunger, protecting the environment, new possibilities for treating diseases), but also all possible risks of the negative consequences of using these technologies on human health and the environment.

Biotechnology research takes place in two directions: regulatory and protective;

It will be correct to distinguish between legal studies of biotechnology on the basis of the subject (substantive, structural) and functional criteria;

The study of biotechnologies on the basis of the objective criterion (elements of biotechnologies) should be limited to the legal regimes of the regulatory orientation, with emphasis on static patterns, based on the inductive method;

The analysis of the study is resulted into the following conclusions:

First, the analysis of the history of emergence of legal regulation of biotechnologies allows us to conclude that because biotechnologies are understood in a broad sense, and cover many areas of the economy, and there is no clear definition of biotechnologies, it is necessary a multilateral development of legal regulation of the performing and implementation of biotechnologies both into a separate state and into the entire global community.

Secondly, international acts, mainly, are declaratively aimed solely at protective legal regimes (preservation of biological resources), and permits for the use of biotechnologies are simultaneously combined with restrictions and prohibitions.

Ukraine has not acceded to some international regulations governing the use of biotechnology yet. Thus, it is necessary to improve domestic legislation, taking into account international experience in creating a legal framework for regulating the use of biotechnologies in various areas of the economy.

Moreover, the great importance of bioethics while regulating of biotechnology makes diffi-

culties in creating a single legal act at the international level. The principles of bioethics are determined by the worldview as a system of generalized knowledge of the objective world, people's attitude to the surrounding reality from the standpoint of their ideals, principles and beliefs. The principles and beliefs are various among citizens of different countries. Thus, having analyzed the international legal acts that regulate the sphere of biotechnologies, it can be concluded that the international community requires developing cooperation and international relations in this area.

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СТРУКТУРА МЕХАНІЗМУ ОХОРОНИ ПРАВ ЛЮДИНИ: ПЛЮРАЛІЗМ НАУКОВИХ ПІДХОДІВ

При підготовці тез цієї доповіді, визначено за мету висвітлення підходів учених до визначення структури механізму охорони прав людини.

У Великому тлумачному словнику сучасної української мови термін «структура» характеризується як: «1. Взаєморозміщення та взаємозв'язок складових частин цілого; будова. 2. Устрій, організація чого-небудь» [1, с. 1208]. Тобто, кожне ціле, завершене, будь-яке системне явище має свою структуру (внутрішню будову).

Д. Керімов, характеризуючи правову структуру, наголошує на потребі поглибленого її аналізу, а також пропонує розрізняти внутрішню і зовнішню структуру правових явищ. На думку правника, внутрішню структуру складає певний зв'язок частин єдиного цілісного правового утворення, а зовнішню – певний зв'язок цілісного правового утворення з іншими правовими явищами [2, с 181-182].

У межах цього дослідження ми акцентуємо увагу на внутрішній структурі механізму охорони прав людини.

Однією із перших у вітчизняній правничій науці структури механізму охорони прав людини торкнулася О. Скакун. Дослідниця розглядає його як складову більш ємного утворення – механізму забезпечення прав людини і визначає його як систему заходів з профілактики порушень прав, свобод і обов'язків людини, недопущення протиправних дій (їх превенції). Механізм охорони прав людини, на думку автора, включає в себе: 1) встановлення засобів профілактики правопорушень; 2) запобігання неправильній реалізації