

РОЗДІЛ 2

КОНСТИТУЦІЙНЕ ПРАВО. АДМІНІСТРАТИВНЕ ПРАВО І ПРОЦЕС. ФІНАНСОВЕ ПРАВО. ІНФОРМАЦІЙНЕ ПРАВО

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A HUMAN RIGHT TO PEACE AS A HUMAN RIGHT

In times of current reality, taking account the ongoing war in Ukraine, it is quite important and relevant to investigate a right to peace as a human right.

Byelov D. and Suhan I. define the right to peace in the context of the third generation of human rights, i.e. rights, the subject of which is society as a whole. It is determined that the right to peace is an international collective right, which is based on ensuring the prerequisites for a safe, stable, and dignified life of human societies away from the dangers and disasters of wars, as well as the consequences and dangers of armed conflicts, in the light of the basic requirements that arise from the idea of ensuring achieving security of human rights, non-violence, achieving development, environmental protection and other elements that cannot be separated from the right to peace [1, p. 687].

As Hvidsten A. And Skarstad K. Prudently stipulates, first: treating the relation between human rights and peace as a straightforward empirical question – arguably the default approach in contemporary peace research – is more problematic than is usually acknowledged. Seeing this relation as a purely empirical question, we have argued, presupposes a decoupling of peace, justice and legitimacy on the conceptual level. In short, it separates peace from political community and reduces peace to a byword for stability – something that can potentially be achieved just as effectively through repression as through legitimacy... Our second point is that seeing peace as a certain kind of order is an improvement on seeing peace as co-extensive with stability [2].

Byelov D. and Suhan I. list the characteristics of the right to peace as a third-generation right, namely: the international nature of the organization, collectivity, protection from the provisions of international law, and subsidiarity compared to the rights of other generations. The essential characteristics of the

right to peace determined, in particular the interrelationship of peace with other fundamental human rights, as well as the interdependence of all states in the aspect of ensuring the right to peace [1, p. 687].

According to the Declaration on the Right of Peoples to Peace on November 12, 1984, the General Assembly solemnly proclaims that the peoples of our planet have a sacred right to peace and solemnly declares that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State [3]. World Peace provides an excellent foundation for international lawyers to think more deeply about peace... Scholarship on international law will, in the future, need to think more resolutely about how the law's existing systems and regimes help or hinder peace [4, p. 459]. Also, the Declaration on the Right of Peoples to Peace on November 12, 1984 emphasizes that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations. It also appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of appropriate measures at both the national and the international level [3]. Turan T. laid the groundwork for a practical critique, namely the probability of fulfilling the right to peace in a way that contributes to sustainable positive peace, and a normative discussion about how this may be ensured... He insists that the test of the viability of the right to peace entails examining whether the Declaration suggests measures that are likely to lead to the fulfillment of the right, namely bringing about positive intra-state peace... And Turan T. concludes that the Declaration does not guarantee sustainable peace and prevention of armed conflict within societies [5, p. 23-24].

According to Byelov D. and Suhan I., the right to peace is the duty of all states because the existence of a conflict between two parties determines the disturbance of peace and stability beyond the borders of the conflicting parties. The means of ensuring the right to peace and measures taken by the United Nations to maintain and establish peace and security, i.e. effective and collective measures to prevent and eliminate threats to peace and to achieve it by peaceful means and in accordance with the principles of justice and international law are described [1, p. 687-688]. Arrieta López M. concluded that there is no possibility of realizing any human right in a state of violence, therefore, only through the realization of the human right to peace can all human rights be protected and demanded, it is also concluded that a structural change is needed in the economic order that prevails in the world capable of eliminating poverty, inequality and exclusion, considering these as the causes of structural violence which makes it impossible to achieve positive peace in all its dimensions [6, p. 18].

Thus, the right to peace is still at the top of modern issues. Its implementation is significant and out of doubt because it dictates safety all over the world.

Literature

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A RIGHT TO PURSUE HAPPINESS AS A HUMAN RIGHT

Among human rights, the right to pursue happiness is a unique possibility not prescribed in most countries' constitutions. However, this human state seems to be the most significant for everybody and, thus, deserves scientific investigation and analysis.

The pursuit of happiness is becoming a central topic in a globalizing society in which more and more people seek to fulfil the promises of political