JUSTICE AND DEMOCRACY DEFEATED BY HUMAN RIGHTS

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“Successful democratic governance must inevitably focus on promotion and protection of human rights and fundamental freedoms. For without this protection there can be no democracy in any meaningful sense.” (United Nations)

ABSTRACT: Justice, Majority principle and Human Rights, a triangle designed to get you mentation about ideas in politics and how they matter, and what happens when we put option political theory to study on pressing real-macrocosm event and dilemmas. The author will explore the three core concept through debates. The relationship between commonwealth and human rights is intricate, symbiotic and mutually constitutive. A rights based approach to democracy grounded in the rule of legal philosophy is considered increasingly the most consistent safe-conduct against human rights abuses. This presentation will greet invocations of justice, democracy and human being rightfulness with a new oddment and a sharpened critical eye. From obiter dictum that a individual ‘s fundamental rightfulness stop where another’s rights begin to show how democratic justice cannot prevent or punish those who violate human rights by invoking their rights to life, propriety and civilization, as well as the rights to crime syndicate and religion. Successful democratic governance should definitely dressed are on promotion and security of man right and fundamental freedoms. For without this assurance there can be no democracy in any important sense. Democracy can’t be characterized without man rights. Human rights can be ensured viably only in a democratic state. A functional democracy that wooing differing qualities, advancement correspondence and ensures singular chance is progressively turning into the best bet against the concentration of power in the hands of a few and the abuse of human rights that inevitably effect from it. Thusly, the best assurance of human right exudes from a feasible majority rule social structure grounded in the rule of law.

KEYWORDS: Protection of human rights, functional democracy, democratic justice, safeguarding human right abuses

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1. WORLDWIDE THOUGHT AT A GLANCE

1.1 The spread of a culture of human rights through history

Democracy remains a general human desire and a capable compel of political assembly for change, as saw by native drove developments which are requesting fair change. The worldwide vision is to end up the essential worldwide performer in sharing relative information and involvement in support of democracy.

Today the issue of rights lies at the center of pro-democracy based system clearing over each real locale of the world including Asia, South America, the Center East, and Africa. The procedure of decolonization after World War II, the end of the Cold War and breaking down of the Soviet Union, joined with point of interest progressions in science and innovation and the blast of data innovation have globalized people groups' cognizance of the issue of human rights to a phenomenal degree. The spread of a culture of human rights is not just a matter of consistently implementing global law, it is likewise a perplexing procedure of constitutional engineering in situations that can be antagonistic now and again.

History clarifies the way that constitutionalism and the control of law appear to be all the more profoundly imbedded in a portion of the post-socialist nations than in others. Those grounds that lay inside the Habsburg area fell beneficiary to Austrian customs of a Rechtstaat. The Austro-Hungarian Empire may have been famous for its bureaucratic propensities, however it built up a solid convention supporting the govern of law in its successor states in Central Europe. The socialist legacy added to the articulate underdevelopment of common social orders and induced solid mainstream skepticism that undermined nations' full interest in legislative issues. In their majority rule travel, the nations of Eastern and Central Europe must travel a rougher road than numerous in the West may realize. This is not to state that they can't set up long, enduring liberal vote based systems and that there are no promising signs, yet rather that authentic legacies compel political making.

The twentieth century has been depicted as the bloodiest in mankind's history, yet it was additionally the century in which individuals around the globe grasped thoughts of democracy and human rights as at no other time, developing social, political and legitimate establishments looking to contain human conduct.

Todd Landman in his work “Human Rights and Democracy. The Precarious Triumph of Ideals” offers an idealistic, yet wake up call of these improvements, drawing on the literature, from governmental issues, universal relations and global law. He praises the worldwide turn from oppression and brutality towards democracy and rights additionally cautions of the dubiousness of these accomplishments “in the face of democratic setbacks and the undermining of rights commitments by many countries during the so-called War on Terror”. (Landman, 2013, p. 13)

We have to adapt to the key inquiries on democracy and human rights today, to understand how the idealist beliefs have been converted into reality, additionally considering how their "triumph" is "precarious," as they are constantly being threatened, both internally and externally. Subsequently, we ought to include, the need to monitor and guard them is more urgent than ever. By assessing hypothetical presumptions through exact proof we ponder the relationship amongst democracy and human rights, the two
values that most inspire individuals around the globe and it welcomes us to defeat skepticism and search out approaches to link knowledge to action.

1.2 Democratization and human rights set on the worldwide plan by the United States

The assurance of human rights is a principle errand of the European judiciary. The Union has not saved a place for human rights, but rather has created three bills of rights. Its unwritten bill of rights results from the general principles of Union law. The Charter of Fundamental Rights includes a written bill of rights for the Union. What's more, the European Convention on Human Rights has dependably given an external bill of rights.

“The main constitutional problems lie in the complex relationship between the Union’s internal human rights bills. Why does the Union need two internal bills of rights? True, the existence of an unwritten bill of rights may provide a better ground for the organic growth of future human rights. The American Bill of Rights shows with elegance and simplicity how our Treaty drafters could have done it. “ (Schutze, 2015, pp. 430-469)

We realize that present day weapons made security behind fringes difficult to safeguard. We now realize that non-state performing artists, private gatherings or packs, furnished with weapons as surprising as seized non military personnel flying machine, could settle anyplace and strike intentionally, regular people most importantly, and spread fear. Psychological oppression is not new, but rather it had principally been an inside wonder with the exception of when the fear based oppressors were serving an express that needed to strike a long way from its borders. Presently we can discuss a general war that knows no fringes, which makes the possibility of triumph splendidly unlikely.

In the mid 1990s, the end of the Cold War and the fall of Soviet socialism hastened the domination of the liberal moment and the happiness of its backers. Unyieldingly, it appeared to be, Western-sort majority rule governments were taking roots all through the world, dislodging old fashioned and merciless autocracies.

The human rights revolution was under way and it expressed what many took to be the universal aspirations of Jeffersonian and Madisonian constitutionalism. Not surprisingly, the liberal moment embodied for some the “end of history” and the definitive triumph of the United States. (Fukuyama, 1992, pp. 33-36)

In this vision, America had turned into the solitary superpower whose interests and belief system were at last harmonious with those of whatever remains of the world. Along these lines, America was particularly one of a kind since it practiced its hyper-dominion favorably, advancing individual rights, multiparty frameworks, and market economies. These qualities were regarded as generally attractive and applicable to all countries independent of geographical location, social customs, or chronicled legacies. Democratization and human rights were along these lines on the worldwide plan, the United States was only driving the world to its inescapable predetermination.

Responsibility ought not be requested exclusively of the frail or generally weak, it must be required of all. There is a call for a justice that is truly universal: “An effective mechanism to administer justice by punishing equally all crimes against humanity alone can secure accountability for those crimes. The mechanism has to be equally efficacious against all offenders, irrespective of the power of the State to which they belong.” (T.H.Breen, 2004)
2. DEFINING THE TERM OF DEMOCRACY

The promotion of global security and peace requires not only the prevention of war or the removal of various threats to peace, but also the regard for the financial improvement of states, the promotion and the enjoyment of human rights, the upgrade of the personal satisfaction, and the fulfillment of human needs. (Ciesiolka, 2015, pp. 30-39)

As outlined above, democracy is apparently the oldest idea and it was initially figured in the work of Aristotle, whose thought of "polity" most nearly matches the cutting edge origination of democracy utilized today. While nation alludes to the "good" type of govern by the numerous, advanced originations of democracy depend on the basic thoughts of well known power and aggregate basic leadership in which rulers are somehow considered responsible by those over whom they rule. Be that as it may, past this fundamental agreement on what is generally a profoundly challenged idea, there are numerous varieties of democracy.

2.1 Procedural democracy

Procedural definitions of democracy are defying through two dimensions of contestation and participation. Contestation captures "the uncertain peaceful competition necessary for democratic rule, a principle which presumes the legitimacy of a significant and organized opposition, the right to challenge incumbents, protection of the twin freedoms of expression and association, the existence of free and fair elections and a consolidated political party system". (Landman, 2013, pp. 30-31) Participation, as the second dimension, captures the idea of "popular sovereignty, which presumes the protection of the right to vote as well as the existence of universal suffrage, or that principle that enshrines the right of participation in the democratic process to all within a country’s jurisdiction regardless of social categories, such as race, religion, ethnicity, gender, sexual orientation, etc". (Landman, 2013, pp. 31-32) The historical backdrop of suffrage recommends this is a right that has been the consequence of long and far reaching social battle as said above, in any event among Western majority rules systems, while new popular governments have revered, in any event formally, all inclusive suffrage in their new constitutions amid their own moments of transition.

2.2 Liberal democracy

Liberal meanings of democracy save the thoughts of contestation and participation found in procedural definitions, however add more unequivocal references to the insurance of certain human rights. These rights were generally comprehended as citizenship rights, however with the appearance of the contemporary worldwide law and practice they have turned out to be to a great extent comprehended as human rights. Meanings of liberal majority rule government in this manner contain an institutional measurement and a rights measurement. The institutional measurement catches the possibility of prevalent power and incorporates ideas of responsibility, limitation of pioneers, representation of residents and all inclusive cooperation.

The rights measurement is maintained by the lead of law and incorporates common, political, property and minority rights. (Landman, 2013, p. 35) For liberal definitions, popular sovereignty and collective decision-making are basically insufficient as results under such a framework can undermine the privileges of people and groups. Many new
democracies have been moderately successful in building up procedural majority rule government, however have attempted to ensure the sorts of rights that constitute the liberal definition.

2.3 Social democracy

Social meanings of democracy keep up the institutional and rights measurements found in liberal models of vote based system however grow the sorts of rights that should be ensured, including social, monetary and social rights. It additionally incorporates the security of social rights, which are worried with so much issues as mother tongue language, formal land rights and intellectual property rights identifying with social practices.

Reasonably, those advocating a pure liberal model of democracy contend that including such social measurements blends intrinsic and extrinsic elements of just execution, since it is feasible for non-democratic regimes to give social and monetary welfare and in addition the acknowledgment of their related rights. (Landman, 2013, p. 38) This has for quite some time been the contention of socialist regimes, especially those of the previous Soviet Union, the Communist nations of Eastern Europe and Cuba, the case of Venezuela as well.

Defenders of human rights, contend that the sharp refinement between classifications of rights is false, since the practice of one class of rights is identified with the other classification of rights, and both sets are required for full understanding of democratic rule. For instance, access to wellbeing, instruction and welfare will affect an individual’s capacity to take an interest in the fair procedure through voting, gaining and understanding political data and having the individual limit and abilities for basic engagement in the political framework. Along these lines for a full ordeal of vote based system, both sets of rights are required.

Overall, it is critical in any discussion of democracy to assess these different definitions, which ought to serve as a general manual for the distinctive courses in which majority rule government has been comprehended and how it will be comprehended in new democracies.

3. The advance of democracy and human rights include international dimension

Countries are not isolated units but rather part of a larger system of collaboration and between reliance. What goes ahead in one part of the planet can affect what happens in another part of the world, yet how this happens can change crosswise over various worldwide measurements.

State conduct progressively influences the human rights of people beyond national borders, whether as a result of economic globalization, military interventions abroad or worldwide counter-terrorism efforts. (Blum, 2015, pp. 13-37)

The measurements of most intrigue that help us comprehend the progress of democracy and human rights incorporate direct state-to-state collaborations, multilateral cooperations including organizations.

Variously described as ‘contagion’, ‘diffusion’ and ‘globalization’ (Landman, 2013, pp. 75-78), these procedures spread democracy and human rights through both deliberate
and unexpected means. It is regularly hard to unravel the two when trying to clarify the universal dimensions of democracy and human rights.

Studies since the 1950s have demonstrated a positive and critical relationship between levels of financial advancement and democracy, however the exact relationship between the two is still open to debate, despite the fact that there is a general agreement that improvement is surely useful for majority rule government. From a simply economically objective point of view, a wider economic base permits a law based government to convey advantages to key constituents and accordingly "purchase" dependability to vote based system itself.

In any case, when consideration is centered around the progressions unleashed by economic growth, the immediate relationship with democracy is being questioned, as “the nature of development, classes, class alliances and state power all have contingent effects on the probability of democracy taking root and surviving in the long run”. (Coppedge, 2012)

Furthermore, regardless of the possibility that the macro-conditions are ideal, investigation of the micro-conditions proposes that vital associations at the moment of decision can prompt to results that are not democratic, while ensuing games of transition may in the long run prompt to democracy. Any regard for democratic transformation must consider the global measurement as far as contagion and dispersion and the (un)intentional parts of democratization.

From various perspectives the battle for rights and the 'privilege to have rights' has been an imperative impetus for procedures of democratic transformation, where requests for economic and social rights move to requests for civil and political rights. This battle for rights has had assist bolster with the appearance and ensuing advancement of the global human rights administration that started formally with the 1948 Universal Declaration of Human Rights. In fact, the "design" for human rights makes their worldwide dispersion less demanding from multiple points of view as mainstream gatherings can utilize the language of rights as influence for regime change inside their own nations.

The establishment of democracy and the development of institutions that assurance the protection of human rights are unstable. The connection between and among administration quality, power, individual and aggregate levelheadedness and the motivations that structure that judiciousness all have an effect in the degree to which democracy and human rights can create in any one nation. (Smith-Cannoy, 2012, pp. 50-56) Democracy is one result of numerous, which is dependent upon an assortment of various elements becoming alright, yet history has demonstrated that it is a result that keeps on being acquired. (Norris, 2012, p. 41)

We might conclude by saying democracy is "made" and human rights are "won" through social battle. This battle has a vast segment as privately based people, gatherings and associations meet up at basic crossroads. Where nearby assembly is hindered through state conservation, groups have the likelihood of taking their battle to the transnational level. (Olsen, 2010, pp. 21-30)

Some domestic mobilizations have been effective in toppling their non-democratic (e.g. Egypt, Tunisia), others have been grasped universally and upheld through military mediation (e.g. Libya), while still others have been met with worldwide loss of motion and national resistance (e.g. Syria). The making of democracy and the battle for human
rights are not effortlessly accomplished; they are in any case certainly justified regardless of the effort.

4. THREATS TO DEMOCRACY AND HUMAN RIGHTS

Global terrorism represents an enormous danger to democracy and human rights, where assaults on democracies have and can bring about great loss of life and can make an outrageous climate of fear, where levels of trust in fellow citizens decay, doubt of alternate ascents and a general feeling of insecurity wins. The negative result of the persistent threat of terrorism undermines the wellbeing and security guaranteed by majority rules system. The response to terrorism from the world's most settled majority rule governments has undermined fundamental principles of the rule of law, responsibility and insurance of human rights.

At the point when built up democracies check freedoms for the sake of security and coordinate with non-democratic and rights-harsh states for the sake of the ‘war on terror’, solid signs are sent about the degrading of fundamental rights commitments that have been the result of hundreds of years of battle. (Halperin M, n.d., pp. 21-27)

At the point when larger geo-strategic interests identified with the ‘war on terror’ win, the real victims are the standards, ethics, values and rights whereupon current democracies are intended to be based.

Unmistakably these threats to democracy and human rights are not really fundamentally unrelated. Rather, conflict, imbalance, terrorism and environmental degradation frame an unpredictable web of difficulties for democracy and the assurance of human rights. (Brysk, 2007, p. 35)

Both conflict and terrorism represent direct threats to the right of life. The reaction to psychological oppression confines the exercise of rights for the sake of security. Neediness, imbalance and environmental degradation can have immediate and indirect consequences for people contingent upon their relative level of destitution and opportunity. Any approach on democracy and human rights, however hopeful, should be sensible and recognize these dangers and the difficulties they speak to for the future of governance.

5. CONCLUSIONS

The case for democracy as far as advantages and results for human prosperity and life itself are concerned, is extremely solid without a doubt. But still there are many outstanding issues, contrasts and difficulties crosswise over democracies. Basic democratic values and standards have individual esteem to citizens and democracies have a superior record at securing physical rights and an extensive variety of other human rights. Inside various income groups, democratic nations have a superior record for ecological supportability. All these positive advantages of democracy, in any case, must be tempered by a thought of the great variation that still exists among democracies.

Some would believe that “democracy and human rights are different sides of a similar coin” and that progress in one fundamentally gets propel the other. (Landman, 2013, p. 78)

Theoretically, the two share a promise to prosperity and a set of principles around
responsibility, representation, transparency, interest and consideration. Experimentally, examinations have in reality demonstrated a positive and significant relationship between the two crosswise over large samples of countries and time. While there are many studies in political science and universal relations that show the positive and noteworthy relationship amongst democracy and human rights, it is imperatively vital to comprehend that such a relationship is extremely distant from being perfect, where many democracies keep on struggling to shield individuals from physical integrity rights infringement and other human rights violations.

The way of dubiousness demonstrated influences all social orders, and guards of human rights need to stay cautious in every single political setting. Clarifications for the gap incorporate weak state institutions and the disappointment of a human rights culture to hold national consciousness in ways that instill human rights values all through social orders.

REFERENCES


