

APPLICATION OF ECONOMIC RESTRICTIONS (SANCTIONS) IN INTERNATIONAL LAW: TYPES OF SANCTIONS

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Today, economic sanctions are one of the most common foreign policy instruments. Sanctions have taken a firm place in foreign policy tools as an alternative or addition to the use of force, as well as to reinforce negotiating positions. They are actively used as a means of forcing individual states to comply with the political requirements of the countries that initiated the sanctions. The use of sanctions by the UN Security Council is on the rise. At the same time, mechanisms are being improved to circumvent sanctions and mitigate their impact on the national economies and stability of the "target states". Often, the application of sanctions becomes a matter of normative and ethical disagreement between the targets of sanctions (usually developing countries) and the initiators of sanctions (usually developed countries). The initiators see sanctions as one of the legitimate ways to enforce compliance with international obligations or certain norms. The countries subjected to sanctions perceive them as a threat to their national security, a "bad trick" that is abused by the countries that initiate the sanctions, which have economic and technological superiority. At best, these countries recognize the legitimacy of the sanctions imposed by the UN Security Council, but not the unilateral measures of developed countries.

Widespread use in political practice is combined with a broad interpretation of the very concept of sanctions; sometimes measures of trade or economic wars are considered sanctions. The expert community interprets the functions of sanctions in different ways, and offers various options for the typology of sanctions. The key issue in scientific discourse is the question of the causes and conditions for the effectiveness of sanctions. Why are sanctions successful in some cases and useless in others, and even lead to results contrary to expectations? In search of an answer to this question, researchers often ignore the terminological side of the problem. Meanwhile, the use of the term "default", when it is assumed that everyone understands the same by them, can give rise to discrepancies in the interpretation of research results. In the humanities, there are hardly any concepts that can be interpreted in the same way. And yet, an important stage of the research work is to determine the "conceptual core of the concept" - that is, the properties that are assigned to it by most researchers within a certain paradigm, and the "conceptual periphery" - the properties that are the subject of divergent views or intersections with similar concepts.

The research problem of the proposed article can be reduced to the question of why sanctions, being in essence an economic instrument, can be conceptualized as a political concept? The definition of the "conceptual core" and "conceptual periphery" of the concept of sanctions is the purpose of this article. We proceed from the fact that the "conceptual core" of the concept of sanctions is their political nature, expressed in terms of domination and force. The political nature of the sanctions can be interpreted through the concept of domination by Max Weber, which implies the legitimate possibility of one subject of power relations to impose his will on another. The "conceptual periphery" will be considered the properties of sanctions that make them related, for example, to the concept of a trade war, as well as those properties that become the subject of normative disputes about the sources of legitimacy and ethics of sanctions. To

test this assumption, let us turn to the body of empirical and theoretical literature on the study of sanctions in international relations.

The largest basis for the classification of international sanctions is their division by entities, from which the initiative to apply sanctions comes. On this basis, two groups of sanctions are distinguished:

- 1) sanctions that are imposed by a separate state in the order of self-help (individual sanctions);
- 2) sanctions that are imposed by a group of states or with the help of international organizations (collective sanctions).

In turn, each of these groups has its own varieties. Self-help sanctions (individual sanctions) are reprisals, retortions, severance or suspension of diplomatic or consular relations, self-defense.

V.M. Koryakin highlights the characteristic features of sanctions, noting that the institution of sanctions in interstate relations is generally quite legitimate, the conditions and procedure for their application are regulated by international law:

Sanctions are a consequence of committing by a state (a group of states) an international legal tort;

Sanctions are provided for by international law and are applied in a special procedural manner; sanctions consist in the occurrence of adverse economic, political and military consequences for the offending state;

Sanctions are coercive.

Summarizing the above, we can draw the following conclusion. The variety of interpretations of the concept of "sanctions" is associated with the lack of a single document that would disclose the exact content of this legal category, in connection with which, representatives of the scientific community suggest their own definitions. We believe that the most accurate formulation is the definition given by K.L. Sazonova, who understands international legal sanctions as a set of lawful coercive measures that the international community has developed to bring the offender to justice, including both relatively peaceful means of economic and political orientation, and the implementation actions against aggressor states with the use of armed force.

It should be noted that the impact of economic sanctions determines the nature of their implementation. So, they can be comprehensive (economic blockade) or targeted, focusing on certain sectors of the economy, imposing restrictions on certain groups of goods and affecting the investment flow.

Particular attention should be paid to sanctions such as embargoes, which are the termination or restriction of the export of goods to the territory of the state of the offender. At present, one can distinguish a total embargo, which amounts to an absolute total cessation of the export of goods, and a partial embargo, which provides for the restriction of the supply of certain goods. The embargo can also be directed at a certain industry, for example, a ban on the supply of oil and related products.

Thus, modern international law divides sanctions into the following types: on the basis of the composition of the subjects, sanctions can be individual and collective. Individual sanctions are applied by individual states. Such sanctions include reprisals, retortions, rupture or suspension of diplomatic or consular relations, self-defense. Collective sanctions are carried out by a group of states and international organizations: suspension of rights and privileges arising from membership in an international organization, exclusion of the offending state from international communication, collective armed measures to maintain international peace and security.

According to the nature of the forces and means used in the implementation of sanctions, sanctions related to the use of armed force (military sanctions) and sanctions not related to the use of armed force (non-military sanctions) are distinguished. In turn, non-military sanctions are divided into economic, political and diplomatic ones.

REFERENCES

1. Keshner M.V. Economic sanctions in modern international law: monograph. M.: Prospekt, 2020.
2. Kurdyukov G.I. International economic sanctions and human rights (application in the practice of the UN Security Council) // Mariyskiy juridical vestnik. 2021. №1.
3. Marinich S.V. Economic sanctions in international law: author. dis. ... Ph.D. Sciences. M., 2020.