

GLOBAL LEGAL ANOMIE IN THE INTERNATIONAL LEGAL SYSTEM: GENERAL THEORETICAL ASPECT**

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The subject of the study is international legal norms and global processes associated with their non-compliance and the substitution of rules for norms. The article analyzes current problems of global legal anomie, characteristic of the modern international legal system and international life. Consistent and systemic measures are proposed to prevent and counter this type of legal anomie. In this regard, possible directions for the development of the domestic legal system are determined.

The purpose of the study is to determine the characteristic features of global legal anomie and outline ways out of it.

Methodology. The dialectical method of cognition, philosophical laws of unity and struggle of opposites, the transition of quantitative changes into qualitative ones, as well as comparative legal and formal legal methods are defined as the methodological basis of the study.

The main results. In the process of research, the authors prove that the legal system, which is in a state of legal anomie, is becoming increasingly unsystematic, fragmented and segmented in nature, within which internal connections and interactions are minimized, and its organizing role is inevitably reduced. The article argues that the process of global legal anomie is associated with the complete or partial absence of the necessary (new) legal norms that ensure the formation of multipolarity, and with the imposition of new rules by several states, which to a greater extent form the excessive regulation of international legal relations. The authors explain the concept and characteristics of legal anomie in the international legal system. There is a need to establish mechanisms in the domestic legal system that prevent the entry of international law norms or the manifestation of other components of the international legal system that contradict the Constitution of the Russian Federation and cause legal anomie.

Conclusions. It is necessary to find a balance between different national legal systems, which would allow them to mutually enrich themselves with the achievements of their social and legal life. The authors propose the following definition of global legal anomie. It is a type of social anomie occurring in the international legal sphere as a result of a loss of trust in international institutions and rapid changes during a crisis (transition) period, representing a negative (destabilizing) component of international life and characterized by dysfunctionality and inconsistency of the components of the international legal system. Global legal anomie is most clearly expressed: firstly, in the complete or partial absence of the necessary (conditionally new) norms of international law, secondly, in neglect of existing norms, and also, thirdly, in the massively deviating legal implementation activities of subjects of the world communities.

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1. Introduction

Both international [1] and national researchers [2] point out that anomie manifests itself most clearly in international life and the international legal system in the current period of the destruction of the world order. This area has become the epicenter of anomic processes [3] that need to be carefully studied to effectively counter them. This makes the analysis of the category of anomie and its legal aspect relevant. A number of theories of both social and legal anomie have already been formed by international researchers: legislative [4]; state legal [5], criminological [6]; victimological [7]; cultural dichotomous [8]; international legal [9], etc. Due to the fact that anomie is associated with globalization, it can be called *global*. It is especially relevant as globalization should be considered not only in a positive, but also in a negative aspect [10]. There is a two-way connection of anomie and globalization, therefore, the resources of dialectics are used during the study. The authors also use comparative and formal legal methods of cognition when searching for ways to counter the consequences of global legal anomie.

2. Globalization and Anomie

As stated above, we believe there is a two-way connection between the process of globalization and the phenomenon of anomie. This connection is manifested in the following.

Firstly, anomie has become one of the causes of globalization, “which is manifested in mega-anomalies that provoke social instability. Mega-anomalies are anomic processes of the global world in economics, politics, and culture that pose a threat to human civilization... The following mega-anomalies can be distinguished: 1) problems of war and peace; 2) environmental mega-anomalies associated with the processes of both environmental pollution and “brain pollution”; 3) dependence of the “poor” South on the “rich” North; 4) international terrorism that has evolved from individual terror to criminal terrorist states; 5) intensified migration process; 6) shortage of food necessary for the normal development of humanity; 7) deepening of inequalities; 8) Covid-19

pandemic, etc.” [11, p. 137]; 9) contradictions caused by the conflict of cultures, including the legal ones [12, p. 840].

Secondly, along with the fact that anomie was one of the causes of globalization, it also became its specific product. Thus, we see a paradoxical situation when anomie transformed from the cause of globalization into its result, however, at another level.

On the one hand, globalization is to a certain extent, an objectively positive process because each country cannot solve many problems of our time (for example, ensuring nuclear and environmental safety, countering the international criminal community, terrorism, drug trafficking, etc.) on its own, which many norms of international law provide for.

On the other hand, the United States and other Western countries try to use globalization processes to their advantage and do not always observe the norms of international law by establishing the so-called “rules” created by those countries themselves. Thus, they bring the factors of anomie into the life of the world community and the international legal system.

Supporters of ‘universal’ (pro-Western) globalism in the new (according to their version) world order see neither a national state nor a national legal system. They declare that the time has come “for the formation of a new civilization, therefore, globalism will gradually overcome the nation-state and national territorial forms of political power and law. Obviously, in this case state (national) sovereignties should be erased, and the existing constitutions and national legal systems should be thrown into the “dustbin of history” [13, p. 112].

3. International Contradictions and Global Legal Anomie

There is a number of contradictions that have intensified in modern international life. In particular, it refers to the contradictions: a) between universal human values legally recognized by the world community (individual freedom, human rights, and others) and their free interpretation by the Western states to meet their interests; b)

between the norms of international law and the situational “rules” that the United States and its allies are trying to implement; c) between the legally established international institutions of the United Nations and their misuse by the Western countries. Ultimately, all these contradictions come down to the main contradiction between the unipolar world dominated by the United States and the majority of humanity that no longer accepts this domination. These contradictions impair the organization and stability of international life and lead it to chaos and disorder. The international legal system, which is precisely designed to regulate international life and protect it from chaos, is no longer able to resolve the above-mentioned contradictions.

Therefore, a particular focus should be given to legal anomie in the study of global anomy processes. One should keep in mind the following points. On the one hand, legal anomie is a special form of implementation of social anomie. Taking this into account, it must be recognized that social and legal anomies are related to each other as genus and species and share some basic parameters. On the other hand, legal anomie also has its own characteristic features associated with the legal sphere.

Indeed, as noted above, it is evident that we are facing a revolutionary situation in international life. The crisis of the world order and international law is also in its acute phase. Moreover, not only societies and groups but also historical eras can differ in terms of the degree of anomy. In a stable period, anomie decreases in society, which is also true regarding the world community. However, it rises when society enters a period of crisis, especially a protracted one [14, p. 113]. Being a destabilizing factor, anomic processes “push international life toward chaos.” It has been rightly noted that “anomie as a global factor influences the disorganization of social life and leads to widespread deviant behavior...” and “it leads from the established and familiar order to unpredictable disorder, chaos, and anarchy” [15, p. 116].

In this situation, trust in international legal institutions is naturally lost. This is true regarding such institutions as the UN and its structures and

norms, and particular, the norms of the UN Charter, the Universal Declaration of Human Rights, etc. In this regard, D.G. Gerashchenko rightly believes that “the disappearance of trust in state institutions can be considered as the main sign of legal anomie” [16, p. 27].

Of course, international structures are losing trust primarily due to their use by the West in its selfish interests. Being an international institution that is obliged to step in and resolve problems and contradictions that arise between countries, the UN is increasingly turning into a one-sided instrument of the United States. In the conditions of a unipolar world, the UN and some other international organizations “have been trained to drift” in line with American interests and often show a certain “toothlessness” in solving the burning world issues. Therefore, the UN can no longer fulfill its mission to be an independent peacekeeping platform, to be a system of checks and balances in disputes between states. Having lost its authority, the UN is also losing the trust of international community.

The Universal Declaration of Human Rights is also used by the West selectively depending on the situation. Thus, violations of human rights are mainly “seen” only in out-of-favor countries. This is followed by the introduction of sanctions that are ostensibly aimed to restore justice, but actually to ‘punish’ or restrain the development of a particular country.

4. Global Legal Anomie as Reason for Inconsistency of International Legal System Components

All this leads to dysfunction and imbalance of the components of the international legal system. Legal anomy impairs its balance and creates conditions for the disintegration of its main subsystems. In other words, under such circumstances, the international legal system is becoming increasingly unsystematic, fragmented, and segmented. The international legal system is losing its organizing role, which is expressed in specific manifestations of its components. It represents a specific type of legal system, and in many ways has the same structure (*law, legal consciousness, right realization*), but at the international level [17, p. 52].

When considering such a component as *international law*, legal anomaly is associated with a complete or partial absence of the necessary (conditionally new) norms that contribute to the formation of multipolarity. Indeed, the existing (so-called old) norms of international law are no longer valid everywhere or always. In fact, the United States complies with the regulations selectively and mainly only when it is beneficial for it. Moreover, it is due to the Western countries that normativity is being eroded at the international level and the existing world order is being destroyed.

Instead of the existing norms, they are trying to “promote” situational “rules” that they have invented as it fits them. Thus, according to the Minister of Foreign Affairs of the Russian Federation Sergey Lavrov, the documents adopted by the Western countries “cemented the rules-based world order concept as a counterweight to the universal principles of international law enshrined in the UN Charter. In doing so, the West deliberately shies away from spelling out the rules it purports to follow, just as it refrains from explaining why they are needed. After all, there are already thousands of universal international legal instruments setting out clear national commitments and transparent verification mechanisms”¹.

Western approaches to international law and the international legal system as a whole, which have underlain the international politics in recent decades, can no longer fully and effectively regulate global processes. They are associated with the manipulation of world public opinion. Meanwhile, “there is nothing wrong with the rules per se. On the contrary, the UN Charter is a set of rules, but these rules were approved by all countries of the world, rather than a closed group at a cozy get-together. An interesting detail: in Russian, the words “law” and “rule” contain the same root. To us, a rule that is genuine and just is inseparable from the law. This is not the case for Western languages. For instance, in English, the words “law” and “rule” do not share any resemblance. Do you see the difference? “Rule” is

not so much about the law, in the sense of generally accepted laws, as it is about the decisions taken by the one who rules or governs”². It should be noted here that a significant number of residents of the European Union do not trust its institutions, and the trend of distrust is getting worse from year to year [18]. However, such “rules” cannot legitimately claim to be the necessary (new) norms of international law because they were adopted by the United States and its minions rather than by the world community.

If we turn to such a component of the international legal system as legal consciousness, we will see that the neglect of the existing (conditionally old) norms of international law is rooted in the modern legal ideology of the Western countries that have brought neoliberalism to the extreme (freedom was transformed into all-permissiveness). It is clear that the existing (conditionally old) norms of international law will be treated with respect by those based on the ideas of postmodernism. The old norms (although alive to a large extent) are seen by the “progressive” West as a kind of anachronism, as an obstacle to their supposedly new level of freedom (in fact, all-permissiveness). And such an attitude is a total disregard for the existing norms of international law and the highest degree of legal nihilism. In this respect one can only agree with Emile Durkheim’s assessment that *anomie* is the result of not only a normative, but also a value vacuum [19, p. 234].

The legal nihilism that is inherent in the Russian legal consciousness [20] and that is constantly criticized for the underestimation of the role of law in the life of our society, which one can agree with to a certain extent, is a Sunday school picnic compared to the nihilism in the Western countries. Their attitude towards the norms of international law is based on their selfish position on the “privatization of justice”, on the unilateral elevation of those countries to the rank of exceptional, which is obvious to the entire world community. By virtue of the law of dialectics, this is the ultimate measure of nihilism expressed in the formula that includes, on the one hand, “self-love”, and on the other hand, “hatred of others.” When taken to the extreme (to the point of all-

¹ Sergey V. Lavrov. On Law, Rights and Rules. Kommersant. 2021. September 14.

² Ibid.

permissiveness), the ideology of neoliberalism including the LGBT component turns into its opposite – totalitarianism.

In fact, the countries of the Western bloc largely neglect the established moral norms and religious values. “The modern “civilized” world has come to the point where it offers multiple genders, declares a gender change to be the norm, and considers same-sex parents to be a normal family. Thus, as it is correctly noted, “the question of what kind of family you consider normal is already becoming a political one. Moreover, it can split society. Today, many scientists emphasize the fact that the LGBT topic has become an ideology that has nothing to do with protecting the rights of the insulted and humiliated.”³

Hence, the Western countries are implanting the values (neoliberal and others) that are, in many ways, at odds with human nature, general moral and religious norms and the foundations of international law. Thus, postmodernism “not only almost completely excludes the possibility of any stable legal relations in international politics, but also dramatically undermines the basic foundations of international law. As a result of this approach, the arbitrariness of “advantageous” interpretations of any legal norms consistently washes away the foundation of international relations, that is, the mutual trust of the states participating in these relations” [13, p. 168].

If we talk about such a component of the international legal system as *the right realization*, the United States can no longer keep itself within the framework of the existing norms of international law due to the ideology of extreme neoliberalism and postmodernism that has captured the country. These norms are narrow and do not allow the United States to act as a hegemon, as a leader of the world community. After the collapse of “the Soviet Union, they began to revise the results of World War II, to build an American-style world where there is only one master. To achieve this, they began to crudely destroy all the foundations of the world order laid

down after World War II.”⁴

Hence, the right realization activity of the United States and its minion countries massively deviate from the existing norms of international law, which manifests itself in different forms: wars, armed conflicts, overthrow of unwanted governments in other countries, failure to fulfill obligations under international agreements, etc. As a result, there are situations in Yugoslavia, Iraq, Libya, Syria, Afghanistan, Georgia, etc., including Ukraine’s bloody coup and military action in the country. As a result, there is the US “withdrawal” from the Iranian nuclear deal and other international treaties signed by it and the illegal “Western” sanctions against Russia, Iran and other countries, which were adopted without the approval of the UN Security Council and which are considered unlawful in legal doctrine [21]. After the World War II, the United States participated in total in more than 200 armed conflicts, organized several dozen “color revolutions” changing the undesirable and undemocratic (in its opinion) political power in other countries, creating “man-made” anomie in them. These massive violations of international law by the West are the logical end of its “political and legal career” that was destroyed due to such illegal actions, and the reason is obvious to the world community. After all, no one has canceled the existing norms of international law. In this regard, it is correctly noted in the literature that “the main feature of anomic manifestations is their mass character, expressed by statistical parameters” [22, p. 144].

5. Global Legal Anomie: Concept, Signs, Ways to Counter and Prevent

Thus, *global legal anomie* combines general and specific features and can be defined as *a type of social anomie occurring in the international legal sphere as a result of a loss of trust in international institutions and rapid changes during crisis (transition) periods that represent a negative (destabilizing) component of the international life and is characterized by dysfunction and inconsistency of the components of the international*

³ Kulikov V. They will Teach you the Main Thing. Rossiyskaya Gazeta. 2022. December 12. Law Enforcement Review 2024, vol. 8, no. 2, pp. 5–14

⁴ Vladimir V. Putin. Address of the President of the Russian Federation to the Federal Assembly of Russia. Rossiyskaya Gazeta. 2023. February 21.

legal system, which is most clearly expressed: firstly, by the complete or partial absence of the necessary (conditionally new) norms of international law, secondly, by neglect of the existing norms, and also, thirdly, by massive deviation in right realization activities of subjects of the world community.

Having identified the content of global legal anomie, it is important to analyze possible ways to prevent and counter it. The building of a new, fairer world order, where mutually respectful and mutually beneficial relations are possible, as well as the achievement of an equal partnership between subjects of international law, can serve as a general warning (a kind of “general prevention”).

Of course, the Western countries are trying to slow down such processes and prolong their privileged position as much as possible and support it with invented “rules”. However, the movement towards a multipolar world is becoming the main and strategic vector of world politics, which was confirmed on March 20-22, 2023, by the leaders of Russia and China. In this regard, a new transformation of both national and international legal systems is inevitable.

The world order based on several centers of development has already been being built on the basis of common values, on principles of parity, equality and balance of national interests. For example, Russia, China, India and many other countries that are not part of the Western bloc are united by common values such as the protection of the traditional family, the education system, the relationship between children and parents, and so on. There are structures that can be more effective in influencing this situation in a positive way, primarily UN institutions, etc.

However, the collective West is not interested in the effectiveness of their activity and is trying to prove to the world community that these institutions are unworkable and that, in the new global world, it is time to abandon outdated norms and principles of international law. In this regard, the Minister of Foreign Affairs of the Russian Federation Sergey Lavrov emphasizes that the new Anglo-American Atlantic Charter has been designed as a starting point for building a new world order, but guided solely by Western “rules.”

Its provisions are ideologically tainted. They seek to widen the gap between the so-called liberal democracies and all other nations, as well as legitimize the rules-based order. The new charter fails to mention the UN or the OSCE, while stating without any reservations the adherence by the Western nations to their commitments as NATO members, viewed de facto as the only legitimate decision-making center...”⁵. Moreover, supporters of this approach claim that globalization requires a new unified world management system, which can be embodied in a world state.

Nowadays, the countries that defend multipolarity are between two “fires”: on the one hand, global legal anomie (a situation of lacking new norms needed to ensure the creation of this multipolarity), and on the other hand, the so-called new norms — “rules” associated with a certain overregulation of international life with the West imposing its hegemony.

Meanwhile, there is no reason to agree with a “rules-based world order”, which is considered exclusive by definition, unviable and is proposed by countries whose internal models have yet to prove their efficiency in the changed conditions⁶. We need new norms of international law that would ensure the effective establishment of multipolarity in the world. These norms should be based on the sound foundations of existing international law [23, p. 142] and ensure the coordination of the national interests. At the same time, it is necessary to strengthen the role of the UN Charter in regulating international relations and revive the UN precisely as a pillar of international law. Control over the UN must shift from the United States to the world community.

Therefore, the modern international legal system features the following trends: the creation of conditions for a real possibility of establishing a multipolar world and countering the negative factors affecting it.

When it comes to the prevention of global legal anomie in a national legal system, in particular in the Russian one, we should proceed from the fact that legal anomie (as well as any other) is, first of all,

⁵ Sergey Lavrov. Op. cit.

⁶ See Alexander Yakovenko. The Liberal “End of History”. 2019. August 12.

a process. At the same time, it cannot be considered an irreversible process; it is possible and necessary to create social and legal conditions under which a controlled “recovery” of society will occur [24, p. 38].

8. Conclusion

It is important that during the multi-vector interaction of the Russian legal system with the international one the first system contributes to the development of the second one and facilitates the minimization of anomic phenomena in it. Both systems should use effective legal means to prevent and reduce chaos providing mutual assistance when necessary. On the other hand, the establishment of mechanisms that prevent the penetration into the national legal system of those norms of international law or the manifestation of other components of the international legal system that contradict the Constitution of the Russian Federation and cause “intrastate” legal anomie.

It is known that national legal systems not only cooperate but also compete with each other. An appropriate balance is needed in this area that enables mutual enrichment with the achievements in the social and legal life of various countries, including their experience in countering and preventing legal anomie. In fact, all of the above can be considered directions for the development of the Russian legal system.

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