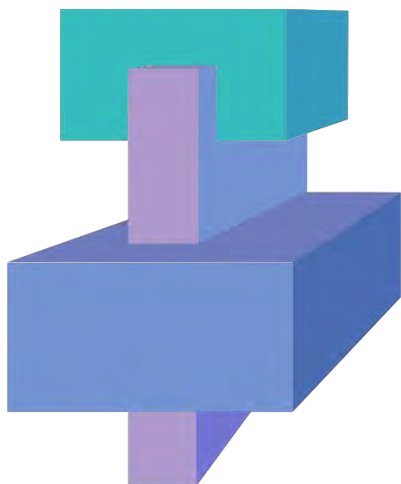


# OMEGA SCIENCE

МЕЖДУНАРОДНЫЙ ЦЕНТР  
ИННОВАЦИОННЫХ ИССЛЕДОВАНИЙ

ISSN 2541-8084

# 4-1/2023



НАУЧНЫЙ  
ЭЛЕКТРОННЫЙ ЖУРНАЛ  
МАТРИЦА  
НАУЧНОГО  
ПОЗНАНИЯ

**УДК 32****Hoshanova T.,**

Graduate Student of International Public Law of the Institute of International Relations of the Ministry of Foreign Affairs of Turkmenistan.  
Ashgabat, Turkmenistan.

**IMPROVEMENT OF THE INSTITUTE OF NEUTRALITY IN INTERNATIONAL LAW****Annotation**

Modern development of international relations is characterized by the expansion of integration and global processes and economic cooperation, and the strengthening position of the peacekeeping movement. From this point of view, neutrality is one of the means to ensure and maintain international security and peace. The Institute of Neutrality is one of the oldest ways to implement a foreign policy strategy in different countries.

**Key words:**

neutrality, institute of neutrality, international law, non-participation in war,  
international security, international peace.

**Хошанова Т.,**

Аспирант кафедры международного публичного права Института международных отношений Министерства иностранных дел Туркменистана.  
Ашхабад, Туркменистан.

**СОВЕРШЕНСТВОВАНИЕ ИНСТИТУТА НЕЙТРАЛИТЕТА В МЕЖДУНАРОДНОМ ПРАВЕ****Аннотация**

Современное развитие международных отношений характеризуется

расширением интеграционных и глобальных процессов и экономического сотрудничества, и укреплением позиций миротворческого движения. С этой точки зрения, нейтралитет выступает в качестве одного из средств обеспечения и сохранения международной безопасности и мира. Институт нейтралитета является одним из наиболее давних способов реализации внешнеполитической стратегии в различных странах.

**Ключевые слова:**

нейтралитет, институт нейтралитета, международное право, не участие в войне, международная безопасность, международный мир.

In ancient times, the concept of neutrality was not widely used. Despite the establishment of relations based on the promotion of trade interests, as well as on the national and religious characteristics between states the rights of neutral states were not respected in the Middle Ages (especially in naval warfare). Only in the XVI century views on neutrality were sustained and neutrality was defined as non-participation in an armed conflict between belligerents.

The institute of neutrality was first used in legal terminology in the XVI century. The term is mentioned in D. Boteri's work "Della Ragione di Stato" (Milan, 1546) [1].

In the 17th century, the principle of " non-participation of neutral states " was recognized and respected. It also began to be used in a broader sense.

The world neutrality comes from the Latin word "neuter", which means " neither one nor the other" [2]. Neutrality in international law means non-participation in war, and in peacetime refusal to participate in aggressive military-political blocs and non-alignment with them.

For a long time, neutrality performed as one of the important diplomatic means of ensuring international peace and security. In ancient times, the institute of neutrality was not stable. In this regard, O.I. Tiunov said, "In ancient times, the borders of a neutral

---

state in many cases was becoming a place for hostilities," as well as "Warring parties are not obliged to respect the inviolability of neutral territories" [3; 4].

Non-intervention in hostilities and refusal to resolve disputes by war is the basis of the institute of neutrality. In the same way, the institute of neutrality enshrines certain rights and obligations, as well as restrictions for neutral states.

The concept of neutrality can be considered in two aspects, namely political and international law. In the field of international law, the institute of neutrality should accept an international legal status that provides for certain rights and obligations and recognition of this status by at least one state. In accordance with this, direct or indirect assistance to the belligerents and direct and indirect participation in the hostile actions of the belligerents is prohibited.

The permanent neutrality of Turkmenistan is recognized in origin, positive in content, permanent in form. The neutrality of Turkmenistan is unique because the UN in accordance with the UN resolutions «On the permanent neutrality of Turkmenistan» dated 12/12/1995 and 06/03/2015 twice recognized it. Positive neutrality is determined by the fact that Turkmenistan actively participates in the maintenance and preservation of international peace and security. The neutrality of Turkmenistan differs with its peculiarity from the neutrality of other states. To date, Turkmenistan is the only state whose neutrality has been twice recognized by the UN.

According to the 2<sup>nd</sup> article of Constitution of Turkmenistan: "Turkmenistan, has the status of permanent neutrality recognized by the world community and fixed in accordance with law. The United Nations through the General Assembly Resolutions "Permanent Neutrality of Turkmenistan" dated 12 December 1995 and 3 June 2015: Recognizes and supports the proclaimed status of permanent neutrality of Turkmenistan; Calls upon the member states of the United Nations to respect and support this status of Turkmenistan and also to respect its independence, sovereignty and territorial integrity. The permanent neutrality of Turkmenistan, shall be the basis of its national and foreign policy".

**References:**

1. Троекуров Е. Р. Нейтралитет как институт международного права (зарождение, развитие, современные доктрины). // Право и политика, 2008, № 1.
2. <https://ru.wikipedia.org/w/index.title=Нейтралитет>
3. Тиунов О. И. Нейтралитет в международном праве. – Пермь: Издание ПГУ, 1968, 3 с.
4. Тиунов О. И. Нейтралитет в международном праве. – Пермь: Издание ПГУ, 1968, 31 с.

© Hoshanova T., 2023