

PROBLEMS OF VIOLATION OF THE INDIVIDUAL'S RIGHT TO INVIOABILITY OF APPEARANCE

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In the article the author considers the concept "appearance" as an intangible benefit that belongs to a person from birth and cannot be alienated or transferred in any other way. Local normative legal acts containing norms that establish certain standards of appearance are examined in the article as well. The author also suggests abandoning strict regulation of the aspect under consideration.

INTRODUCTORY PART. The latest trend in modern society is the break of the usual pattern of beauty, as a result of which an increasing number of people argue against the accepted in society typical parameters of how people should look like when it concerns their gender or social status. More and more young people want to express themselves through their clothes or certain elements of their appearance. Based on the above, the following questions of legal nature arise: Can the state abridge a freedom of personal expression only in virtue of morality and decency, and whether these restrictions are a violation of the right to inviolability of appearance?

MAIN PART. To answer this question, it is necessary to define the specific character of the concept "appearance", which is found to be difficult, since there is no such notion in the modern legislation of the Republic of Belarus. However, in the legal literature much attention is given to this concept, there is even a theoretically developed definition. For example, A. S. Mograbyan defines physical appearance of an individual as an inseparable and individualizing personal intangible benefit aimed at ensuring physical integrity of a person, which includes outward appearances of an individual, perceived by others as a whole or as a part of the whole [1].

In our study, we will not rely only on theoretical definitions. Despite the fact that article 151 of the Civil code of the Republic of Belarus does not provide for such an intangible benefit as appearance, the Constitutional court of the Republic of Belarus in its decision "on legal regulation in civil legislation of the use and protection of the image of a citizen" says that the appearance of a citizen by its essential characteristic is among the intangible benefits that belong to them from birth, not alienated or transferred in any other way [2]. Consequently, the protection of such benefits is carried out in accordance with the Civil code of the Republic of Belarus.

Based on the above, we can conclude that everyone has the right to create their own appearance, personalizing it with the help of clothes, accessories, hairstyles and other means. However, despite this, some current regulations set certain standards for appearance. An example is higher educational institutions or, rather, ethical codes adopted by University administrations.

For example, the ethical code of conduct for students of A. S. Pushkin Brest State University contains a separate Chapter concerning the appearance of students. In particular, the code stipulates that students' clothing must correspond to the place, time and nature of their activities, they must not use bright, massive jewelry and provocative makeup, use perfume with a sharp smell, and their hair must not be painted in bright (unnatural) colors. Students are also not allowed to demonstrate tattoos and piercings on open skin areas [3].

In our opinion, such regulation is a violation of the right to inviolability of appearance and is unacceptable, since it does not allow a person to use their appearance at their own will and discretion. In addition, to some extent, such restrictions may be regarded as discrimination against students, since the right to appearance belongs to the same category of rights as the right to personal dignity, personal integrity, honor and business reputation. Since this document by its legal nature is a local normative legal act, its provisions apply to each student regardless of their study program and form of training, the implementation of these provisions is provided by the threat of disciplinary action. In addition, the obligation to comply with the provisions of local regulations is provided in article 32 of the education Code of the Republic of Belarus [4].

In connection with the existence of such rules, there is a problem of implementing the right to inviolability of a person's appearance. Unfortunately, such examples of restrictions exist not only in the above code, but also in the moral and ethical code of conduct for the students of Belarusian State Medical University, the provisions of which also impose certain restrictions on appearance, though they are not so strict. Since the provision of this Code does not contain a ban on tattoos and piercings demonstration, as well as on coloring hair in unnatural colors [5].

The problem of implementing the right to appearance concerns not only students of higher educational institutions, but also university lecturers. However, there are no strict rules for them, most often, local regulations are limited to the wording that modern business style is recommended to teachers as a basis for choosing clothing

and accessories. And in this case most often there is a public censure of the teacher or a negative reaction of colleagues or students to the style of the teacher.

For a more complete understanding, we addressed students of various faculties and universities of the Republic of Belarus, as well as lectures of Polotsk State University, and asked them questions about certain aspects that are regulated in local regulations. Most of the questions were about the lecture's appearance, clothing style, and restrictions in their daily life. The questionnaire was submitted to students as a Google form and was anonymous. In the survey we received the opinion of 134 respondents from various higher educational institutions in Belarus, including PSU.

According to the results of the survey, it was found that most students do not have specific requirements to lectures appearance, and in most of their responses, students stressed that cleanliness, grooming and hygiene is what is more important. According to students, the teacher may look as they see fit, since they also have right to express themselves through clothing. That is to say that from the students' point of view university lecturers can be free in choosing what clothes to wear at work, what matters is whether the lecturer looks tidy or not. Let's go back to the rules of professional ethics, which set the standards of clothing for the university lecturer, and this is probably done for students, but as the survey shows, this is not important for the latter.

To the question "does the appearance of the teacher matter?" only 27.6% of respondents said that it matters, 50% stressed that the most important thing is the information which the teacher gives during the lecture, and not their appearance or clothes and for 15.7% of the surveyed appearance of the lecturer doesn't matter.

As for the opinion of teachers in this regard, more than half of the respondents believe that their appearance is important for students. Analyzing the results of the survey, we can come to the conclusion that there is no need to establish any standards of clothing, since teachers, following these standards, limit themselves for the sake of students, who mostly do not pay attention to it.

CONCLUSION. Thus, each person should have freedom of expression through the choice of elements of appearance, since this is what forms the idea of the individual. In our opinion, this aspect does not need such strict regulations, since the establishment of such restrictions is a dehumanization and restriction of human rights.

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