

In general, components of the real educational environment were estimated as average satisfactory regardless of a year, the lowest mark was received by the substantial and methodical component including educational programs, educational tasks, educational actions, control and self-checking, assessment and self-assessment that tells about problematical character of this component in students' creative potential updating. Spatial and semantic component was highly appreciated enough while the smallest assessment was received by a substantial and methodical component.

Questioning revealed: many students consider that assessment not always reflects quality of the performed task and often the criteria of estimation are not clear, and tasks are seldom directed to their creative potential disclosure. By means of the poll results analysis, we came to the following theses:

1. Assessment has to reflect what is studied and what is considered to be important in a subject.
2. Feedback right after work performance is necessary for a student.
3. If the feedback is absent for a long time it loses the value for the student.
4. Anonymity in assessment of each other is of great importance.
5. Students do not trust fellow students' estimates, it is necessary for them that assessment is approved by the teacher (expert).
6. Students need practice in assessment and ways of estimation.
7. Students want to take part in the development of the criteria of assessment and estimated tasks evaluation.
8. Students want to see the works of fellow students for comparison (studying of the alternative points of view) and generalizations of new ideas.

The assessment of communication and organizational component also depends on students' year, but there is feedback: the less senior the students are, the higher they estimate this component. These results depend on group dynamics: the extents of acquaintance and unity, the formation of informal subgroups in a group, the formation of the norms of a group. Most often younger students, who haven't passed last phases of group formation yet, estimate the comfort of creative potential manifestation lower. Also the results depend on the interaction between the teacher and students. It is known that teachers interact with students of younger and older years differently since students of older years are given more independence, activities, and also there are more opportunities for them to show their creative potential.

In conclusion, considering creative potential concerning students of higher education institutions, it is necessary to pay attention first of all to the educational environment in which they are trained since educational environment gives the chance not only to staticize the creative potential in the standard context of actions (dancing, comic, vocal, etc.), but also to use it as the professional skill having perhaps to solve high level problems in a critical situation. Proceeding from the data obtained during the research and frequent conversations with students, it is possible to say that the creative component does not act as the main educational program. The documentation which the educational programs are based on pay minimum attention to a creative component leaving it as a fostering aspect of training, but not as an educational one.

It should be noted that there are new scientific tasks which can become the directions of further researches on the subject: experimental studying of the influence on updating of creative potential of the communicative and organizational component including the role of interaction between the teacher and the trainees, and also the extent of influence of educational group unity; the question of influence of students' use of mobile phones and the mobile Internet for solving creative tasks is also interesting.

REFERENCES

1. К новому 2015/2016 учебному году : письмо М-ва образования Респ. Беларусь, 22 июня 2015 г., № 07-18/П-1129/89.
2. Рабочая концепция одаренности / под ред. Д. Б. Богоявленской, В. Д. Шадрикова. – 2-е изд., перераб. и доп. – М., 2003.
3. Равен, Дж. Компетентность в современном обществе: выявление, развитие и реализация / Дж. Равен ; пер. с англ. – М. : «Когито-Центр», 2002.

UDC 342.7

NATIONAL ASPECTS IN CONTEMPORARY CONSTITUTIONS

KRYSTINA IVANOVICH, D. SHCHERBIK
Polotsk State University, Belarus

The article considers the impact of national characteristics on the form of the government and the territorial structure of the state, the content of his constitutional norms. Particular attention is paid to the influence of the national and universal factors on the content of the constitutional rights and freedoms.

The term «national identity» refers to a set of specific characteristics of social and ethnic community, which distinguishes it from others. It includes the national traditions, language, folk art, traditional garment, cuisine and etc. National identity is formed throughout the existence and development of the people, influencing the state, which manifests itself at the stage of forming the state structure and the form of government, and a system of national law. Let us consider in more details each of these areas, reinforcing the text by referring to the Constitution of various countries.

By the way of territorial or national-territorial organization of the distribution of state power and the relationship between the subjects of the government unitary and federal states are distinguished.

Nowadays Belarus, Greece, Italy, Latvia, Lithuania, France, Czech Republic, Sweden and others can be given as an example of unitary states [4]. These states throughout the history of its formation and development have been a public formation with mostly homogeneous national-ethnic, religious and cultural population make-up, that with the flow of time has left a definite imprint on the state structure form, which is stated in the texts of contemporary constitutions. For example, Art. 1 of the Belarusian Constitution establishes: «The Republic of Belarus is a unitary, democratic, social state based on the rule of law» [1, p. 5].

The Federal form of the state structure is also determined by the historical background. Nowadays the federal states are Austria, Germany, the USA, Canada, Russia and others [5]. Thus, for example, Russia, which throughout its existence was multiethnic, in the present, according to the text of the Constitution is a «democratic federal state» [2]. The similar statements are included in the Art. 1 of the Constitution of the Republic of Austria [7] and the preamble of the Constitution of the Federal Republic of Germany [9], which throughout their history have been an alliance of principalities, counties and other semi-independent lands.

The second important aspect is the form of the government, which is also to some extent affects national-ethnic features.

Nowadays the monarchies are Belgium, Denmark, Spain, the Netherlands, Sweden, Japan and others [3]. These states have been renowned for their inherent deference towards traditional institutions. Thus, Art. 1 of the Constitution of the Kingdom of Spain provides that «the political form of the Spanish State is a parliamentary monarchy» [12] and the monarchical form of government is stated in Art. 2 of the Constitution of Japan, which stipulates that «the imperial throne is dynastic and hereditary» [14].

Austria, Belarus, Germany, Greece, Italy, Lithuania, Latvia, Poland and others [6] have the Republican form of government, which is also due to their history and national characteristics. For example, historically Belarus, Latvia and Lithuania didn't have a strong national state formation and their own lasting tradition of state power, and were only parts of the various unions and state formations. Other countries have gone through radical changes, caused by the internal or external factors, that have destroyed confidence to traditional authorities and led to the transition to the republican form of government. Thus, according to the texts of Art. 1 of the Constitutions, Austria and Italy are democratic republics [7; 13]. According to Art. 1 of the Greek Constitution, «Greece's political system - a parliamentary republic» [10].

Thus, it can be concluded that the national-ethnic features certainly impose the definite imprint on the government form, and the form of state structure.

One of the main areas of influence is the impact of the national identity on the national law system, by stating the major national and cultural rights in the texts of Constitutions, which postulate in a certain way the right for the national identity and other national and cultural rights. Thus, Art. 50 of the Constitution of the Republic of Belarus contains the right of everyone to preserve their national identity, the right to national dignity, the right to use their own language by choosing the language of upbringing, education and communication [1, p. 25]. Besides, the Constitution contains a number of articles that include some related rights: the right of religious self-determination and participation in religious rites (art. 31) [1, p. 16], the freedom of opinions, beliefs and their expression (art. 33) [1, p. 17], the freedom of artistic, scientific, and technical creativity (Art. 51) [1, p. 25], etc.

The Russian Federation as stated in the text of its Basic Law guarantees its citizens equality before the law without any discrimination and exceptions (Art. 19) [2], Art. 28 reads that everyone has the freedom of conscience and religion, the freedom of thought and expression (Art. 29) [2], the freedom of literary, artistic, scientific, technical and other work, the freedom of teaching, participation in cultural life and cultural institutions (Art. 44) [2]. The Constitution also specifies the ideological and political diversity, protected by the Republic (Art. 13) [2].

The Constitution of the Republic of Poland in its turn specifies in detail the protection of the national identity of various ethnic minorities. First of all, Art. 6 of the Constitution provides equality for all citizens without exception, the possibility of access to the benefits of culture, which are the source of the Polish people identity [11]. It also states the freedom of religion (art. 25, p. 53) [11], the freedom of expression (Art. 54) [11], the freedom of artistic creation, scientific research and teaching (Art. 73) [11]. However, the articles that directly specify the right of national and ethnic minorities are of particular interest within the theme. Thus, Art. 27 states that the official language of the country is Polish, but this statement doesn't violate the rights of national minorities, guaranteed by the ratified international treaties [11]. The Republic of Poland also guarantees Polish

citizens, belonging to national and ethnic minorities, the freedom of maintenance and development of their own language, the retention of customs and traditions, as well as the development of their own culture. Moreover, they have the right to establish their own institutions – educational, cultural, religious, as well as the right to participate in the solution of affairs concerning their cultural originality [11].

The Basic Law of the Federal Republic of Germany and the Constitution of the French Republic contain only the guarantees of the fundamental rights protection. For example, the German Constitution specifies the equality of all citizens before the law (Art. 3) [9], the freedom of religion (art. 4) [9], the freedom of art, science and teaching (Art. 5) [9]. The French Constitution also contains a small list of the basic rights: the equality before the law for all citizens (Art. 1) [8] and the pluralism of views expression (Art. 4) [8]. The French Constitution specifies strictly the uniform state language – French (Art. 2) [8], but the German Basic Law doesn't contain any decrees regarding the state language.

Thus, in my opinion, nowadays there is a problem of the national characteristics protection, what can be seen even in the given excerpts from the texts of the basic laws of more than dozen countries, which differ in form of state structure, the government form and legal systems. So we can conclude that there is a certain universality and formulations generalization of the national and ethnic, cultural and religious rights of completely different nations. Indeed, the existing international treaties, declarations and conventions specify international standards, which cause certain restrictions for the national law systems, the national legislation system changes and becomes more versatile, nationless, impersonal. All these changes lead to the destruction of national characteristics, which existed for centuries before.

One of the globalization negative aspects is the westernization, which leads to the displacement of small national cultures (the cultures of national minorities), which in its turn causes their dissatisfaction and contributes to the emergence of hostility in the world. The evidence of this fact is the increasing popularization of the right-wing parties and unions in modern Europe, which main ideological base of activity is the issue of national identity and self-determination. The negative impact of the globalization can be seen not only in the national culture, but also in the field of state administration and legislation, where the unification of the territorial structure certain forms, government forms, legal systems and systems of law take place.

Thus, it should be noted that in contemporary international context, the issue of protecting the rights of national and ethnic minorities is strongly relevant than ever before. Therefore, to avoid discontent because of globalization and the boundaries blurring of the national characteristics, it's necessary to pay more attention precisely to constitutional recognition of the national and ethnic communities rights, which allowed people to choose freely the form of the state and governance, and allowed each person to determine their own national identity, language, culture and traditions.

REFERENCES

- 1 Канстытуцыя Рэспублікі Беларусь 1994 года : з мянян.і дап.і, прынятымі на рэсп. рэферэндумах 24 ліст. 1996 г. і 17 кастр. 2004 г. – Мінск : Амалфея, 2005. – 56 с.
- 2 Конституция Российской Федерации [Электронный ресурс]. – Режим доступа: <http://www.constitution.ru>. – Дата доступа: 02.12.2015.
- 3 Конституционная монархия [Электронный ресурс]. – Режим доступа: https://traditio.wiki/Конституционная_монархия. – Дата доступа: 02.12.2015.
- 4 Унитарные государства [Электронный ресурс]. – Режим доступа: https://ru.wikipedia.org/wiki/Категория:Унитарные_государства. – Дата доступа: 02.12.2015.
- 5 Федеративное государство [Электронный ресурс]. – Режим доступа: https://ru.wikipedia.org/wiki/Федеративное_государство. – Дата доступа: 02.12.2015.
- 6 Форма правления в странах мира [Электронный ресурс]. – Режим доступа: http://ostranah.ru/_lists/forms_of_government.php. – Дата доступа: 02.12.2015.
- 7 Bundes-Verfassungsgesetz Österreich [Электронный ресурс]. – Режим доступа: <http://www.verfassungen.de/at/verfassungheute.htm>. – Дата доступа: 02.12.2015.
- 8 Constitution de la République française [Электронный ресурс]. – Режим доступа: <http://www.assemblee-nationale.fr/connaissance/constitution.asp>. – Дата доступа: 02.12.2015.
- 9 Grundgesetz für die Bundesrepublik Deutschland [Электронный ресурс]. – Режим доступа: <https://www.bundestag.de/bundestag/aufgaben/rechtsgrundlagen/grundgesetz/gg/245216>. – Дата доступа: 02.12.2015.
- 10 Ελληνικό Σύνταγμα [Электронный ресурс]. – Режим доступа: <http://www.hellenicparliament.gr/Vouli-ton-Ellinon/To-Politevma/Syntagma>. – Дата доступа: 02.12.2015.
- 11 Konstytucja Rzeczypospolitej Polskiej [Электронный ресурс]. – Режим доступа: <http://www.prezydent.pl/prawo/konstytucja-gr>. – Дата доступа: 02.12.2015.
- 12 La Constitución española [Электронный ресурс]. – Режим доступа: <http://www.congreso.es/consti/constitucion/indice/index.htm>. – Дата доступа: 02.12.2015.
- 13 La Costituzione della Repubblica Italiana [Электронный ресурс]. – Режим доступа: <http://www.governo.it/Governo/Costituzione/principi.html>. – Дата доступа: 02.12.2015.
- 14 日本の憲法 [Электронный ресурс]. – Режим доступа: <http://www.ndl.go.jp/constitution/etc/j01.html>. – Дата доступа: 02.12.2015.