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The main directions of the judicial activity of the Supreme Court of the United States in the field of civil rights and freedoms

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Abstract

Relevance. The relevance of the stated topic of scientific research is determined by the diversity of the activities of the Supreme Court of the United States of America in the field of law-making, in the context of the development of basic provisions for the protection of the rights and freedoms of citizens.

Purpose. The purpose of this study is to determine the main areas of activity of the US Supreme Court in the field of protecting the rights and freedoms of citizens of the country in the context of the current legislation.

Methodology. The methodological basis of the article was the methods of statistical analysis, analogy and generalization, as well as comparative legal, formal legal and formal logical methods.

Results. The leading approach in this research work is a combination of a systematic analysis of the legislative activities of the US Supreme Court as a whole with an analytical study of the main activities of this court specifically in the field of protecting the rights and freedoms of citizens of the country. The main results obtained in the course of this scientific research should be considered the identification of the main directions of the legislative activity of the US Supreme Court in the context of protecting the rights and freedoms of citizens from the point of view of the peculiarities of the historical development of the country's legal and judicial systems.

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Conclusions. Prospects for further scientific research in this direction are determined by the possibility of studying the features of the legislative activity of the highest court of the United States, in terms of assessing the quality of providing legal protection to citizens of the country. in the area of their rights and freedoms.

Keywords: law-making; judgment; interpretation of the law; protection of human rights; US judicial system.

Introduction

In order to strengthen and develop any state as legal and based on the principles of the rule of law, it is necessary to have an independent judiciary that is able to guarantee fair and effective protection of the rights of each individual. This is an important condition for mutual responsibility between the state and the individual. The study of the US Supreme Court in the field of protecting the rights and freedoms of citizens has a number of important aspects that determine its relevance. First, the US Supreme Court is one of the most highly profiled courts in the world, known for its rulings on issues of constitutional significance and the protection of human rights. The analysis of decisions and precedents created by the US Supreme Court can be a valuable research tool for studying judicial practices and interpreting legal norms related to the protection of the rights and freedoms of citizens in Kazakhstan. Secondly, the US Supreme Court deals with issues that have a wide international resonance and are important for many countries, including issues related to civil liberties, minority rights, freedom of speech, religion, privacy. An analysis of the decisions of the US Supreme Court in these areas can help in understanding international standards for the protection of human rights and their role in national judicial systems. Thirdly, Kazakhstan is a country that seeks to improve its legal system and protect the rights of citizens. In this context, studying the experience of other countries and judicial systems, including the US Supreme Court, can offer useful examples and recommendations for improving the practice of protecting the rights and freedoms of citizens in Kazakhstan. Thus, the study of the US Supreme Court in the field of protecting the rights and freedoms of citizens in the context of Kazakhstan is relevant, since it can provide valuable practical and theoretical materials for improving the judicial system and protecting human rights in the country.

Despite the high authority of the US Supreme Court, which enjoys universal recognition, in practice questions arise about the application of its decisions and the possibility of overturning established precedents, both in the Supreme Court itself and in lower courts. Historical experience shows that the US Supreme Court annually considers only a small fraction of the thousands of appeals that are received annually [1]. Thus, there is a need for a more comprehensive study of judicial institutions and their functioning. In the US, the field of legal studies is well-developed and is represented by political science and legal studies. However, only recently Kazakh scientists have begun to actively study the judicial systems, both within the country and abroad, taking into account both aspects – objective and subjective. This demonstrates the growing need for comprehensive research to better understand and analyse the work of judicial institutions. Analysing the activities of the US Supreme Council, A.A. Aryn [2] revealed the features of the legislative work of this body. It is noted that the court, acting as a legislator, operates in an unusual and constitutional context. Despite the importance

of the US Supreme Court in constitutional law-making and the role of judicial law-making in general, there is insufficient research on these issues. The ambiguity and lack of a clear definition of judicial law-making is a challenge for the scientific community and requires further research.

A.K. Isabekov et al. [3] are of the opinion that a conservative approach does not achieve the objectives of the Supreme Court. In this regard, there is a need to search for new interpretations and application of judicial law-making. G.A. Kuanaliyeva et al. [4] analysed the power of the US Supreme Court to review the constitutionality of government actions. While some state judges seek independent interpretation to provide greater protections for individual rights than are provided by the federal constitution, an important goal is to develop a set of state constitutional law that will not be affected by fluctuations in U.S. Supreme Court precedent and contribute to the analysis of federal constitutional law. In her research, Sh.V. Tlepina [5] emphasizes the importance of understanding the specifics of civil rights. She notes that the effectiveness of measures aimed at ensuring compliance with international norms in the field of civil and political human rights and freedoms is manifested in law-making and law enforcement activities, as well as in the implementation of national recommendations on the observance, protection, and prevention of violations of human rights. R.T. Shumenova and E.E. Kaimuldinov [6] investigated the issues of delimitation of human and civil rights and freedoms by categories. This aspect was considered from the standpoint of international and national law. They also drew attention to social rights and freedoms as the basic rights and freedoms necessary to strengthen the political and economic system of modern Kazakhstan.

Based on the above, the purpose of this study is to determine the main areas of activity of the US Supreme Court in the field of protecting the rights and freedoms of citizens of the country in accordance with applicable law. This analysis may be useful for applying the experience gained in the Republic of Kazakhstan. The leading approach in this research work was a combination of a systematic analysis of the law-making activities of the US Supreme Court with an analytical study of the main activities of this court specifically in the field of protecting the rights and freedoms of citizens of the country. Research in this area involves a systematic approach to studying the features of the formation of the US legislative framework, while a systematic analysis of the features of the legislative activity of the US Supreme Court acts as a fundamental tool for conducting a qualitative scientific study of the issues submitted for consideration. In this regard, the choice of the method of analytical study of the main activities of this court in the context of the adoption of provisions on the protection of the rights and freedoms of citizens seems to be optimal from the point of view of a qualitative consideration of issues. covered in the subject

of this research study. When developing this topic, a methodological approach was applied, based on a comprehensive consideration of the issue. In this regard, general scientific, private scientific and special research methods were used. A systematic approach allows considering the relationship and interaction of various elements and factors that affect the legal protection of citizens. This helps to better understand and appreciate the complexities and challenges faced by the legal methods and approaches to protecting the rights of citizens by the US Supreme Court.

The role of the US Supreme Court in protecting civil rights and freedoms

Ensuring and protecting human rights is an important area where the interests of the individual and society intersect, and where the foundations of the rule of law and democracy are laid. An effective mechanism for the protection of human rights and the formation of ideas about the fairness and effectiveness of state power are possible only with the active role of the state in the implementation of human rights. This, in turn, will give the state signs of legitimacy. The judicial branch of government plays a significant role in protecting human and civil rights from violations. The human right to appeal to the court is one of the fundamental rights enshrined at the constitutional level. In developed democratic states, this right occupies an important place in the constitutional and legal status of a person and is an essential condition for the existence of a rule of law state. Civil rights are the first generation of rights that guarantee the freedom, independence and legal protection of every member of society, as well as ensure their immunity from unlawful interference [7; 8].

The main purpose of civil rights is to ensure the individual development of each person. This category of rights is recognized by the state in a certain area of relations and is not subject to interference by the state. At the same time, these rights are an important attribute of each individual, allowing him to independently determine and realize his own destiny. In the preamble of the International Covenant on Civil and Political Rights [9], it is emphasized that these rights stem from the innate dignity of each person. Unlike the political rights of a citizen, civil rights reflect the personal interests of each individual, such as the right to property, the right to participate in labour, social and cultural life. They allow individualizing the personality, showing its moral interests and personal abilities. Civil rights provide a person with the freedom to choose and determine the rules of behaviour within the scope of freedom. They also protect values such as personal integrity, human life, honour, and dignity.

The rights mentioned in the previous text are of particular importance to every individual in civil society, as they provide autonomy and protection from undue interference. It is important to note that these rights are not associated with material values and are of an intangible nature. They are the basis of law and order, reflecting the principles of justice and equality. A distinctive feature of civil rights is their individual character. Unlike collective human rights, which protect the interests of groups and communities, civil rights focus on protecting and securing the freedoms and guarantees of each individual. This means that every individual has the right to the

inviolability of his person, freedom of expression of his opinions, protection of his private life and many other individual rights that are guaranteed by law [10; 11]. Thus, civil rights play an important role in society, ensuring that every person has the opportunity to live in accordance with his beliefs, interests, and needs. Their individual character and connection with the principles of legality emphasize their importance and the need to protect and respect them.

If taking personal freedoms as a criterion for determining civil rights, it is possible to distinguish the following groups of such rights:

1. The right to life and the inviolability of life, which ensures the realization of the most important values.
2. The right to freedom, the prohibition of slavery and the slave trade, freedom of movement within the country, freedom to leave the country and return to it. This group of rights provides the values of personal freedom.
3. The right to security of person, protection from torture and ill-treatment, protection from unlawful arrest. These rights provide personal security.
4. The right to privacy, freedom of speech, freedom of conscience, inviolability of the home, the right to confidentiality of correspondence, protection of the family and marriage. They provide privacy values and privacy protection.
5. The right to recognition of subjective rights, equality before the courts and the law, equality between men and women, the prohibition of discrimination based on religion, nationality, social status or political views, civil law. These rights guarantee the recognition of each person as a legal entity and ensure equality.

Civil rights are an integral part of judicial protection. They are also an important object of protection by the US Supreme Court. Within the American constitutional system, the Supreme Court plays a key role in defining and interpreting the civil rights and freedoms of citizens. This role arises from the powers given to the Supreme Court under the US Constitution.

The practice of the US Supreme Court in the field of protection of civil rights and freedoms

According to the Constitution of the United States of America [12], the Supreme Court has original jurisdiction over all cases involving ambassadors, spokesmen, consuls, and cases in which the states are parties. In such cases, the Supreme Court acts as a court of first instance. In all other cases in which the judicial power of the United States is exercised in accordance with the Constitution, the Supreme Court has appellate jurisdiction on points of law and fact, with certain exceptions and in accordance with the rules established by Congress (under Part 2, Section 2, Article III constitution of the United States of America) [12]. Therefore, the role of the US Supreme Court in the system of case law is the most important, determining its constitutional status and powers. The decisions taken by the Supreme Court have a significant impact not only on the development of judicial practice, but also on the legislation in the country. This makes it an indispensable element of the US legal system. This is due to the fact that the Supreme Court has the right to exercise control over the constitutionality of federal laws and laws of individual states [13], and if they are inconsistent with the US Constitution, it may declare them unconstitutional [14].

Therefore, it is not surprising that the activities of the Supreme Court and the main directions of its activities always attract the attention of not only the legal community, but also social and political circles. The US

Supreme Court is centred around hearing cases as the highest court of appeal. The main functions of the US Supreme Court are listed in Table 1.

Table 1. Functions of the US Supreme Court

1. The function of justice	
The appellate function is an important aspect of the judiciary, and its scope and importance is determined by several factors such as the court's constitutional status, common law traditions, and the role of the authorities in interpreting and applying the law. The appellate function provides an opportunity to review and challenge the decisions of lower courts in order to ensure fairness and legal consistency.	The procedural function also plays an important role in the legal system. It is based on the use of procedural rights and guarantees enshrined in the text and interpretation of the US Constitution. Procedural requirements and norms ensure the fair application of the law and ensure the protection of the rights and interests of the parties in legal processes. They are key elements for the legal meaning and interpretation of material in legal practice.
2. Interpretation function	3. Legal function of the US Supreme Court
As part of their law enforcement function, judges use various methods to adapt constitutional principles and norms to new conditions and protect the constitutional order. They monitor the observance of the constitution and take an active part in the development and interpretation of constitutional law.	In the context of its legislative function, which emphasizes the powers of the Supreme Court, there is a need to create new legal structures that complement and supplement the normative meaning of existing provisions. The Supreme Court, as the highest judicial body, has the ability to introduce new legal concepts and principles based on its research, analysis, and interpretation of laws and the constitution. This legislative function allows the Supreme Court to make changes and developments in legal structures to meet the demands of today's society and changing conditions.
4. Political function	
The implementation of judicial constitutional control involves active interaction with the executive and legislative authorities, as well as the need to coordinate the political course. Judicial constitutional review is an important function of the courts, especially in systems where the principle of the supremacy of the constitution exists. Through this function, the courts ensure compliance with constitutional principles and norms in the activities of state bodies and ensure the protection of fundamental rights and freedoms of citizens.	As part of the implementation of the judicial constitution, the protection of the "basic" rights of citizens and constitutional legitimation, as well as the creation and recognition of new rights in the context of public administration and pressure, are carried out. This requires active interaction with the executive and legislative authorities, as well as the coordination of the political course. The implementation of the judicial constitution is aimed at ensuring the protection and observance of the fundamental rights of citizens, which are recognized in the constitution. The courts play a key role in this process, considering cases related to the violation of constitutional rights and freedoms. They make decisions that contribute to ensuring legal legitimacy and protecting the rights of citizens.

For US Supreme Court justices, law-making goes beyond setting precedents through litigation. The adoption of judicial decisions is combined with the desire to preserve traditions and establish new conceptual approaches in legal doctrines. This is a multifactorial approach to solving complex cases. The difficulty lies in the general ambiguity, mainly in the field of judicial law, where it is necessary to find the law in various sources, including moral or "open" principles, and apply them, perhaps in the form of modified principles. In the past, the court has repeatedly refused to consider issues that were not presented by the defendant in a summary of the merits of the case [15]. One of the main reasons for this practice is that bringing the issue late in the process limits the input from the plaintiff and other interested parties. After *Marbury v. Madison* [13], the U.S. Supreme Court was given the power to invalidate laws or executive actions at the federal or state level if they conflict with the U.S. Constitution. Consequently, his decisions have the

potential to directly impact legislation in 50 US states and the lives of 325 million Americans.

Apart from the existing differences and contrasts, it cannot be denied that the Supreme Court and the European Court of Justice perform a similar function, since in their respective legal systems they must interpret abstract freedoms in the context of specific situations and take into account the democratic majority. The Constitution of the United States of America [12] and European Convention on Human Rights [16] contain abstract wording right and freedom of personality. Therefore, one of the main tasks of the US Supreme Court and the European Court of Human Rights (ECHR) is to determine the scope of these rights and decide whether specific situations can be considered a violation of protected fundamental freedoms. Thus, the US Supreme Court prefers to accept the "golden mean" between "the position that the Constitution does not protect unspecified rights" and "unrestricted use of unspecified rights" [17]. The US Supreme Court also upholds a wide

range of individual rights related to personal life and family relationships [18]. There are also debates in Europe about how the “new” individual rights should be recognized within the right to private and family life. However, “originalism” or “textualism” does not receive wide support, and preference is given to the “moral reading” of the ECHR according to which the Convention is a “living instrument” that must be interpreted taking into account modern conditions [19; 20].

Determining whether the actions or omissions of the authorities violated fundamental freedom does not automatically lead to the conclusion of a violation of the US Constitution. Such violation may be justified for the purpose of protecting conflicting legitimate public or private interests. Thus, one of the common features of the decision-making process of the US Supreme Court is the weighting or balancing of individual rights by opposing interests put forward by the government and the legislature. Weighing or balancing is not expressly provided for in the US Constitution, but the Supreme Court held that in the case of *Hudson County Water Co. v. McCarter* [21] that rights are “limited by the neighbourhood of political principles” which at some point “become strong enough to stand up for themselves”.

In this context, the balancing of methodology is considered to be part of a general concept of constitutional interpretation that sees rights as standards rather than categorical and absolute restrictions on government action. As a result, the Fourteenth Amendment and other constitutional provisions may result in the balancing or balancing of various overlapping or conflicting interests and providing for rational reconciliation or adaptation. In *Dudgeon v. the United Kingdom* [22], the Supreme Court found that restrictions need to be proportional if they are to serve a legitimate aim in a democratic society. Thus, the court has the task of assessing whether the reasons given by the authorities are sufficient and appropriate to justify the impugned restriction. In the specific case of *Dudgeon v. the United Kingdom* [22], the Supreme Court examined the arguments presented by the government and analysed whether they were consistent with the legitimate aim of the restriction. The Court concluded that the necessity and proportionality of the restrictions must be justified and balanced in the context of democratic norms and values.

When considering sensitive issues related to personal and family life, the US Supreme Court faces similar problems: doubts about the contextual elements that should be taken into account; the arguments needed to justify the existence of new rights; in the right way to balance individual rights and the interests of the state; and the right way to assess their legitimacy. Such fluctuations are an integral part of the human rights decision-making process and reflect the fundamental dialectical tension that characterizes this particular process. Courts may choose a more or less progressive/conservative contextual interpretation of cases, a more or less flexible/rigid interpretation of guaranteed rights, a more or less preference for the rights or goals of the State, and a more or less active concept of judicial control. The experience of the Court has contributed to the understanding of fundamental rights in the United States legal system, which has led to a potential conflict between fundamental rights and freedoms. It is significant to note that the terms

“fundamental freedoms” or “economic freedoms” do not appear in US law. In the Constitution itself of the United States of America [12] or its amendments, there is no explicit list of rights that would protect economic activity. However, this does not mean that economic activity is not supported by the US constitutional system. Business, in particular, is protected through the principle of due process enshrined in the Fourteenth Amendment, as well as through the right to property, which is guaranteed by the Fifth Amendment.

There are few cases in the practice of the Supreme Court of the United States where a conflict needs to be resolved between a fundamental right protecting economic activity and another right. This can be explained by the fact that the protection of fundamental rights related to the economic sphere is sometimes contrary to certain public interests that are considered in the legislation. In some cases, the public interest may also serve as a basis for the protection of fundamental rights. The legal aspect of this area in the US is complex and requires further study. However, the Supreme Court has considered cases where it has been forced to resolve conflicts between economic rights and other rights. When it becomes necessary to balance fundamental freedoms and fundamental rights, the Court applies a proportionality test that determines which of them should take precedence in a given case [23-25]. Substantial balancing exercised by the Court may smooth out the formal predetermined hierarchy between fundamental freedoms and fundamental rights. The practice of the US Supreme Court enriches the development of the legal system and contributes to the achievement of a balance between the protection of economic activity and other public interests [26; 27]. In its decisions, the Court takes into account the context, social implications and public benefit, seeking to find the best way to resolve conflicts of rights. This approach allows the Court to make informed and fair decisions that reflect the dynamic nature of modern society and take into account the diversity of interests and values of citizens.

The Supreme Court of the United States does not always deal with conflicts between rights, but often focuses on the study of the interference of state law in one of the fundamental rights in question. For example, in *Sorrell v. IMS Health Inc.* [28], the U.S. Supreme Court considered whether a Vermont law prohibiting the sale, disclosure, and use of information identifying a prescribing physician (the practice of prescribing individual physicians) to pharmacies without the physician’s consent violates the freedom of speech of pharmaceutical manufacturers. The majority of the judges concluded that such pharmaceutical marketing promotion speech was a form of opinion protected by the First Amendment. Unlike the multi-tiered judicial system of the European Court of Human Rights, decisions of the US Supreme Court do not require mandatory “implementation” by state courts. The U.S. Supreme Court directly makes the decision, which takes effect, and the outcome of the case depends entirely on which test the U.S. Supreme Court applies. In contrast, the European Court of Justice confines itself to a strictly formal and legal interpretation of European Union law, and then the national court to which it refers has the right to decide in a particular case, although judicial decisions

often predetermine the correct application of European law and, therefore, guide the sending court.

In *PruneYard Shopping Center v. Robins* [29], the Supreme Court of the United States is faced with an interesting tension between free speech and property rights. A group of 73 students organized a peaceful protest at the PruneYard mall against a United Nations resolution condemning Zionism. The security guard, referring to the rules of the shopping centre, asked the students to leave its territory, since any public activity that was not directly related to the commercial purposes of the centre was prohibited there. The students obediently left the mall, but later filed a lawsuit in California state court challenging the denial of access to the mall. The case went all the way to the California Supreme Court, which held that the California Constitution protected free speech and the right to petition, without violating the mall owner's state-protected property rights. A similar decision was also upheld by the US Supreme Court, which noted that the states have the right to grant individual freedoms that exceed those granted by the Federal Constitution. Rules in the state constitution that allow individuals to exercise free speech and petition on the property of a private mall that is open to the public do not violate the Fifth and Fourteenth Amendment store owner's rights or the First Amendment right to free speech. and the Fourteenth Amendment.

Thus, it becomes clear that the impact of free speech on trade can be non-negligible. Even though the right to property has not been directly violated, commercial activity can suffer from even peaceful actions, such as collecting signatures or distributing leaflets. Store owners need to ensure the maintenance and safety of the building, as well as the potential for customer distraction and loss of profits. In addition, the owner of the shopping centre may need to express his disagreement with the opinion of the demonstrators. All this can create additional risks and costs for the owners of shopping centres and stores. Of course, there are alternative approaches that could reduce the impact of free speech, such as the use of other media such as television, radio, or the Internet. However, such an approach could lead to a privileged position for those exercising freedom of speech, while the demonstrators would have free access to the mall. The US Supreme Court has found that a mall owner has the right to make rules about the timing, manner, and other aspects of demonstrations. However, the court's decision also emphasizes that mall owners must endure even the constant presence of groups seeking to express their views.

The U.S. Supreme Court has jurisdiction over federal and state laws, even if the action of the state falls within the jurisdiction of the state. Therefore, it can be said that, on the face of it, the US Supreme Court has established a single constitutional order for the protection of human rights, and this assertion could be contrasted with European Union law. However, the impact of the U.S. Supreme Court decision in *PruneYard Shopping Center v. Robins* [29] is that despite previous jurisprudence under the US Constitution that allowed property owners to keep protesters out of their property, states can impose a higher standard of freedom of expression by restricting property rights. Thus, the relationship between free speech and property rights is largely determined by individual state constitutions, and the US Supreme Court has recognized

the diversity of levels of protection in these constitutions. The decision that was made dealt with the link between freedom of expression and property rights, but similar principles can be applied in the cross-border context of the European Union when it comes to restricting the freedom to provide or receive services within the scope of freedom of expression protected by Article 11 of the Charter of Fundamental Rights of the European Union [30]. In this light, the approach of the US Supreme Court can be compared with the position of the Court of Justice of the European Union in the *Sayn-Wittgenstein* case [31], where the Court took into account the constitutional features of member states and gave them considerable freedom in taking measures to maintain public order. In addition, in specific cases, such as the *Familiapress* case [32], restrictions on fundamental freedoms have been envisaged in order to protect freedom of expression. The significance of this approach of the US Supreme Court may be similar to the statements of the Court of Justice of the European Union in the *Sayn-Wittgenstein* case [31], where the Court recognized that member states have constitutional features and have considerable freedom in matters of public order. In more specific cases, such as the *Familiapress* case [32], restrictions on fundamental freedoms have been allowed to protect freedom of speech.

As a result, the restriction of fundamental freedoms can be justified on the basis of fundamental rights, since these rights can serve as a basis for the restriction of fundamental freedoms. This clarification is of practical importance, although the outcome of the case in most cases will not differ from current practice. This is because the US Supreme Court will continue to use the open test of proportionality, but in a modified form. However, the focus must change. This will require consideration of the proportionality of restrictions not only in relation to fundamental freedoms, but also to fundamental rights. Another practical consequence relates to the burden of proof. At present, the burden of proving the proportionality of the restriction of fundamental freedom lies with the party relying on the fundamental right. With a change in the approach of the US Supreme Court, the burden of proof will be shared between the parties: one party will prove the proportionality of the restriction of fundamental freedom, and the other – the restriction of the fundamental right. In conclusion, it should be noted that fundamental rights should be given special attention, equating them with fundamental freedoms, even formally, and considering them as independent, legitimate goals. When applying the proportionality test, limitations to both fundamental freedoms and fundamental rights must be considered. The same approach can be used in the event of a conflict between fundamental freedoms and social rights. The example from the USA offers additional mechanisms for resolving legal conflicts, in particular, legislative solutions. Thus, to resolve the conflict between the protection of the rights to economic activity and the right to collective action in the United States, the National Labor Relations Act [33]. And although legislation promotes predictability in resolving conflicts between different rights, it cannot provide a solution in advance for all future cases, and therefore judicial decisions are not binding even in the case of resolution of legislative conflicts. This highlights the importance of the need to clarify the Court's approach.

Comparative analysis of the views of other researchers on the issues under study

Discussion of the results of this scientific study in the context of comparing them with the results of other researchers shows significant discrepancies in the assessments of the issues under consideration. For example, in their scientific studies, B. Sugeng and C.Z. Vandawati [34] note that of the many cases filed annually with the US Supreme Court, only about 150 are heard. Most of them are related to the interpretation of laws or the intentions of Congress when passing certain provisions of the law. However, a significant part of the work of the Supreme Court is to determine the conformity of laws and executive acts with the Constitution. Such powers of judicial review are not expressly provided for in the country's Constitution, but rather represent a principle established by the Supreme Court after examining the Constitution.

The issues discussed are also reflected in the studies of other authors. For example, B. Joyeux-Jastrebski [35] notes that throughout history, the US Supreme Court has repeatedly intervened in the area of prohibited political issues. Based on this, many researchers come to the conclusion that the US Supreme Court has closely united judicial and political power, becoming an important participant in the global political system and the political process in the United States. Simultaneously, D.R. Swenson [36] believes that the participation of the US Supreme Court in the political life of American society is a necessary condition for the development of law, since judicial activity must meet the demands of society and be part of the unified US state legal system. In this context, it is possible to conclude that the interaction of various branches of government is an indicator of the state of the legal system, which allows complementing each other and participating in a single process of developing legal regulation. At the same time, R.J. Hunter et al. [37] emphasize the importance of the common goals and ideology of the development of the United States, uniting all branches of government. Protecting the rights and freedoms of citizens rests on the shoulders of the US Supreme Court and the federal government. Constitutional principles, which play a decisive role in law enforcement, serve as a link between the various bodies of the state. The decisions and interpretations of judges are determined by political views and the desire for the further development of the United States. Political and legal considerations underlie judicial law-making.

A. Galic [38], in turn, emphasizes the need for judicial self-restraint, which not only helps to combat the overload of the judiciary, but is also an important aspect of the constitutional role of the Constitutional Court. It is important to maintain the distinction between the competence of the constitutional court and ordinary courts, so that the Supreme Courts do not become mere courts of appeal. Clear and predictable rules are also needed to protect the interests of the parties in the process, so that they know where their litigation ends. It is also an important aspect of the quality of litigation. Thus, the researchers emphasize the importance of the Constitution of the United States of America, which is a fundamental factor for all branches of government and the judiciary in

the process of law-making. Firstly, the laws and regulations enacted by the government at the state or federal level must be neutral with respect to religion and apply to the general population. In case of their lack of neutrality, the Court applies a strict criterion, which makes it difficult for the government to reach its position. The jurisprudence in this area also emphasizes the importance of the composition of the judiciary in such cases, as there is a change in the opinion of the majority of judges on these issues, moving from a majority unwilling to restrict government actions in the area of religious freedom, to a majority more inclined to restrict government actions. in this area [39-41].

G. Willems [42] notes that human rights, protected by national constitutions and international treaties, now have a direct and profound impact on the regulation of personal life and family relations. Judges responsible for the application of legislation or conventions protecting individual rights are increasingly inclined to engage in dialogue with colleagues around the world. In this context, there is considerable interest in comparing the jurisprudence of the US Supreme Court and the ECHR in relation to private and family life. While the roles of these courts differ in many respects (institutional setting, legal framework, composition of judges, interpretation of cases and drafting of decisions), it is widely recognized that they perform a similar function of interpreting abstract freedoms in the context of specific situations and limiting democratic majorities. Indeed, each court must strive to find the right balance between competing views and draw inspiration (as well as additional legal grounds) from the case law of another court. At the same time, M. Cousins [43] and M.R. Islam et al. [44] note that in practice the ECHR rarely, if ever, relies on such agreements to determine the outcome of a case, at least in the area of social security. After all, in fact, the ECHR is ready to admit that the violation of the International Covenant on Civil and Political Rights in this case did not matter much for the outcome of most cases. The analysis proposed by N. Dagan [45] and J. Carback [46] demonstrates that studying the approach of the ECHR and the US Supreme Court to the interpretation of deprivation of liberty contributes to a subtler understanding of how punitive power is perceived and justified in various legal systems.

S.M. Nzuva [47] notes that the US Supreme Court actually plays a critical role in setting precedents followed by lower courts, both federal and state. This means that the wrong decision of the Supreme Court has a ripple effect and creates difficulties in ensuring fairness in all areas. Over the years, the Supreme Court has made a number of significant decisions, some of which have been recognized as the worst in history, while others have become exemplary. From the beginning of the 20th century to the middle of the 20th century, the Supreme Court made various decisions regarding racial segregation and discrimination against national minorities. Importantly, these decisions set critical priorities and provided states with guidelines for formulating and enforcing laws. An understanding of such decisions can significantly enlighten the history of the United States judiciary and help promote fairness and equality in the future. According to other authors, perceptions of the US Supreme Court may be influenced by pairwise stimuli associated with state courts.

People with low knowledge of the judiciary exhibit an assimilation effect, whereby being in a state with an elected Supreme Court reinforces the perception of the court as political. On the other hand, people with more knowledge show a contrast effect, as a result of which the Supreme Court is perceived as less political compared to elected state courts [48-50].

Thus, the discussion of the results obtained in the course of this scientific study clearly demonstrates the variety of options for their interpretation, depending on the characteristics of the author's position, which generally determines the need for further scientific research of the issues submitted for consideration. A review of sources containing publications by researchers assessing the main areas of legislative activity of the US Supreme Court in the field of protecting the rights and freedoms of citizens demonstrates significant differences in the views of researchers on the attitude to assessing the importance of issues submitted for consideration in this scientific study. The data of the review in the context of the issues submitted for consideration unequivocally indicate their actual relevance for the functioning of the American justice system and the difference in scientific approaches to their assessment, which only emphasizes the need for further scientific research in this direction.

Thus, the US Supreme Court has the power to review the constitutionality of laws, decrees, and government actions at the federal and state levels. This means that the Supreme Court can decide whether these laws and actions are consistent with the US Constitution, including guaranteed civil rights and freedoms. The US Supreme Court decides on various issues related to civil rights and freedoms. A key aspect of the protection of civil rights and freedoms by the US Supreme Court is its ability to interpret the Constitution in the light of contemporary social and political changes. The Supreme Court may review and reevaluate its decisions in order to adapt to new challenges and changing societal values. At the same time, the U.S. Supreme Court should intervene when it comes to serious mistakes by lower courts, even if such mistakes simply affect the interests of the parties and the decision of the Supreme Court would not contribute to the development of the law as a whole. At the same time, the protection of the rights and freedoms of the country's citizens may not always be a priority in the activities of the US Supreme Court.

Based on the experience of the US Supreme Court in the field of civil rights and freedoms, it is possible to consider the following proposals that can be considered for changes in the practice of the court:

1. Expanding the definition of freedom of expression: Consider expanding the definition of freedom of expression to include modern forms of communication such as social media and the internet. This will help ensure that legislation adapts to rapidly changing technological realities and ensures that freedom of expression is protected in today's information society.

2. Strengthening the protection of the rights to privacy and information security: Given the development of digital technologies and the collection of personal data, it is worth considering making changes to the practice of the court to strengthen the protection of the rights to privacy and information security of citizens. This may

include setting clear rules and precedents regarding the use of personal data, protecting against unauthorized access to information, and restricting the use of tracking technologies.

3. Expanding equality of rights and non-discrimination: It is important to continue working to expand equality of rights and non-discrimination in all spheres of life. This may include consideration of issues related to the rights of minorities, gender equality, the protection of the rights of the LGBT community and other vulnerable groups. Making changes to the practice of the court will allow more effective protection of the rights of all citizens and ensure equal opportunities for all.

4. Strengthening the principle of fair trial: The judiciary should strive to continuously improve the principle of fair trial. This includes ensuring that the trial process is accessible and understandable, protecting the right to legal assistance, allowing sufficient time to prepare for the case and the principle of the presumption of innocence. Consideration of these proposals and the introduction of appropriate changes in the practice of the court will improve the justice system, ensure justice and protect civil rights and freedoms. This will contribute to the development of legislation in accordance with modern challenges and the needs of society.

All of these recommendations should be adapted to the context and particularities of each country's legal system. Given the differences in legislation and cultural characteristics, it is important to conduct further research and consultations with experts, human rights organizations and other interested parties to develop and implement specific legislative measures that will contribute to the protection of civil rights and freedoms.

Conclusions

The judicial form of protection of rights and freedoms is the most democratic and most adapted for the full, comprehensive and objective identification of the actual circumstances and causes of various disputes, violations of law and the establishment of the truth in cases considered in courts. The findings of this study confirm that the US Supreme Court plays an important role in protecting the civil rights and freedoms of citizens. The US Supreme Court is the highest judicial branch and has the authority to review the constitutionality of laws and government actions at the federal and state levels. He hears cases related to civil rights and freedoms, and makes decisions that are important for the whole country. It has the authority to determine the constitutionality of laws and government actions based on the US Constitution. The Supreme Court decides on various aspects of civil rights, including freedom of expression, religion, equality, and other guarantees provided by the Constitution.

An analysis of the main activities of the Supreme Court makes it possible to understand its contribution to ensuring constitutional guarantees and principles of justice. One of the main activities of the Supreme Court is the interpretation of the US Constitution in the context of current legislation. The Supreme Court carries out a thorough study of substantive issues, analyses previous decisions and precedents, in order to come to reasonable and fair decisions. This allows him to maintain consistency and stability in law enforcement practice. The historical

precedents set by the Supreme Court have a significant impact on the development of civil rights and freedoms in the United States. They enshrine and protect the basic constitutional principles, set standards to ensure equality and protect the rights of all citizens. In addition, the Supreme Court is able to adapt to changing social and political realities by reviewing and re-evaluating its decisions.

Based on the experience of the US Supreme Court in the field of civil rights and freedoms, there are several proposals that can be considered for changes in the practice of the court. The first proposal is to expand the definition of freedom of expression to include modern forms of communication and reflect changes in the technological environment. The second proposal concerns the strengthening of the protection of the rights to privacy and information security, especially in the light of digital technologies and the collection of personal data. The third sentence focuses on the expansion of equality of rights and non-discrimination, including the protection of the rights of minorities and vulnerable groups. Finally, the fourth sentence calls for strengthening the principle of fair trial,

including the accessibility and intelligibility of the judicial process, as well as the protection of the right to legal assistance and the presumption of innocence. All of these recommendations require adaptation to the specific conditions and legal systems of each country. Further research and consultations with experts and human rights organizations are needed to develop concrete legislative measures to promote the protection of civil rights and freedoms. It is important to take into account differences in legislation and cultural backgrounds to ensure that changes meet the challenges and needs of today's society. The ultimate goal is to develop legislation, ensure justice and protect civil rights and freedoms.

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None.

Conflict of Interest

None.

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Основні напрямки судової діяльності Верховного Суду США у сфері захисту громадянських прав і свобод

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Анотація

Актуальність. Актуальність заявленої теми наукового дослідження визначається багатогранністю діяльності Верховного Суду Сполучених Штатів Америки у сфері правотворчості, в контексті вироблення основних положень щодо захисту прав і свобод громадян.

Мета. Метою даного дослідження є визначення основних напрямів діяльності Верховного Суду США у сфері захисту прав і свобод громадян країни в контексті чинного законодавства.

Методологія. Методологічною основою статті стали методи статистичного аналізу, аналогії та узагальнення, а також порівняльно-правовий, формально-юридичний та формально-логічний методи.

Результати. Провідним підходом у цій науковій роботі є поєднання системного аналізу законотворчої діяльності Верховного Суду США в цілому з аналітичним дослідженням основних напрямів діяльності цього суду саме у сфері захисту прав і свобод громадян країни. Основними результатами, отриманими в ході цього наукового дослідження, слід вважати визначення основних напрямів законодавчої діяльності Верховного Суду США в контексті захисту прав і свобод громадян з точки зору особливостей історичного розвитку правової та судової систем країни.

Висновки. Перспективи подальших наукових розвідок у даному напрямі визначаються можливістю дослідження особливостей законотворчої діяльності найвищої судової інстанції США, з точки зору оцінки якості надання правового захисту громадянам країни у сфері їх прав і свобод.

Ключові слова: правотворчість; судові рішення; тлумачення права; захист прав людини; судова система США.