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ABOUT THE JOURNAL

The POLITNOMOS is a multi-disciplinary scholarly peer reviewed and international fully open access journal that covers all areas of political science, law, political and legal philosophy. It aims to serve as a scholarly platform for research papers' findings, discussions, and debates and introduce promising researchers and studies to the political and legal scientific communities.

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**POLITICAL STUDIES,
POLITICAL PHILOSOPHY**

FORMATION AND DEVELOPMENT OF THE ARMENIAN LOBBYING ORGANIZATIONS IN THE USA: HISTORICAL CONTEXT

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Abstract

The United States has one of the most developed Armenian communities, which, since its formation, has strongly supported Armenia and Armenians by lobbying for Armenian interests within the US legislative and executive branches, both at local and federal levels. Lobbying is a vital part of the American political system, playing a decisive role in both domestic and foreign affairs. The significance of lobbying in US political processes, combined with the current political circumstances in Armenia, underscores the importance of studying ethnic lobbying. The article presents the historical context of the formation and development of the Armenian lobby in the US.

Keywords: lobbying, ANCA, AAA, Armenian Genocide, US-Armenia relations, Armenian Revolutionary Federation.

Introduction

The emergence and development of lobbying in the 18th century is mainly associated with the political processes of Great Britain and the United States. In 1774, an attempt was made in the US to exert mass pressure on the government, demanding additional benefits. Hundreds of armed soldiers from the Philadelphia garrison attacked the First Continental Congress. Although the soldiers' demands were not met, Congress responded by issuing the Declaration of Rights and Grievances, which affirmed the rights of the American colonies to life, liberty, and property. The adoption of this Declaration promoted the independence of the American colonies from the mother country and ensured their self-government in trade relations.

Proposed by Congress in 1789 and ratified in 1791, the First Amendment to the US Constitution, along with freedoms of speech, religion, and assembly, also proclaimed the right of the people to petition the government for redress of grievances. This marked a significant shift in the development of

democratic institutions in the United States. In practice, the adoption of the First Amendment meant public groups and individuals were free to influence political decision-making. At the end of 18th century, US public groups had already begun sending representatives to government bodies with political demands on a range of issues.

In the 1830s, political lobbying became institutionalized, giving rise to a new profession: the lobbyist, a person representing the interests of public groups in parliament. During this time, rules for organizing lobbying activities were developed.

The emergence of lobbying as a political institution significantly improved the efficiency of the US legislative process. In the adoption of new laws, the opinions of individual groups of the population were taken into account. This not only increased the alignment of laws with public needs but also helped to diffuse political tensions. Furthermore, lobbying contributed to the establishment of a healthy social and political discourse, rooted in competition among groups and the proper representation of their interests within government structures. This provided an opportunity for the representation of ethnic interests.

Armenians in America

According to Louis Adamic, Armenians settled in North America at the beginning of the 17th century (Avakian, 2021, p. 6). The first recorded mention of Armenians on the continent refers to John Martin, who, in 1618, was invited to the British colony of Jamestown. He may have been a servant of George Yeardley, the governor of Virginia (Adams, 1932, p. 28). In the 17th and 18th centuries, small groups of Armenians migrated to Virginia, South Carolina and Georgia from Hungary, Holland and India (Avakian, 2021, p. 11). In the 1770s, the Armenian population in America numbered around 70 people.

The new influx of Armenian migrants to America in the 1830s was a consequence of the propaganda and educational activities of American missionaries in Western Armenia, Cilicia and other Armenian-populated areas of Turkey. During this time, many schools and colleges were established, offering Armenian children's educational opportunities. In 1834, Khachatur Voskanyan, a student at the Constantinople missionary school, organized a mass migration of Armenian youth, who had the opportunity to receive higher education in the best institutions in the United States.

In 1861-1865, after the Civil War, America experienced a period of rapid industrial development, which attracted a large migration stream. Dissatisfied with high taxes and poor life prospects in Turkey, Armenians settled in New York, Worcester and Providence. Over time, the Armenian population spread

to Massachusetts, California, Pennsylvania and Connecticut. In the 1880s, Armenians mainly settled in the northeastern, northern, middle and western regions of the United States.

Hamidian Massacres and the Armenian Genocide

The next mass migration of Armenians to the United States occurred as a result of the Hamidian massacres – a series of brutal murders of the Armenian civilian population in the Ottoman Empire between 1894-1896 – which, according to various estimates, claimed the lives of 50,000 to 300,000 people. By the beginning of World War I, the Armenian population of the United States numbered more than 60,000 people. In 1908, Abdul Hamid II was dethroned and sent to Thessaloniki, and the Young Turks party came to power in the Ottoman Empire. As the famous historian Yevgeny Tarle writes, “in Europe, many circles at first immensely exaggerated the moral height and political depth of thinking of the Young Turk conspirators, who so quickly and, it seemed, easily overthrew the old despot” (Tarle, 1928, p. 112). The Young Turk government was glorified by the French and Russian press. The newspaper *Rech** talked about the revolutionary spirit of the schools where representatives of the Young Turk authorities studied. Many predicted their civilized government. However, Tarle notes that “all this is one continuous, blatant misunderstanding and ignorance of the true facts” (Tarle, 1928, p. 113).

The Young Turks not only exterminated the majority of the Armenian population in 1915 and boasted about it, but they also came to power in 1908 with this firm method: to resolve national issues through physical extermination of all nationalities, except the Turks, and those who agree to immediately become Turks. One of the leaders of the Young Turks, Enver Pasha, directly stated his readiness to exterminate the non-Turkish population of the country. Talat Pasha announced that “the question is settled. There are no more Armenians”. Later, the issue of recognition of the genocide and compensation for damage caused to Armenians become one of the main areas of activity of the Armenian lobby in the United States and around the world. Subsequently, approximately 21,000 Armenians migrated to the United States following the genocide.

Problems Faced by Armenians in the USA

As historian Areg Galstyan notes, the first immigrants from the Ottoman Empire to the United States encountered significant challenges. Armenians

**Rech* (lit. “Speech”; originally: Рѣчь) was a Russian daily newspaper and the central organ of the Constitutional Democratic Party.

were uncomfortable being called Turks (Galstyan, 2015, p. 54). Armenians did not have the right to engage in several professions. They were not accepted into white social clubs. Racial conventions made Armenians reluctant to purchase property in certain areas. Representatives of the Armenian communities have done a great job of trying to present to America Armenians who are distinctive in both an ethnic and religious sense.

Designed to resolve misunderstandings and help Armenians to settle into the new country, the Armenian-American League for Relief and Defense was founded in 1891. Armenians were recommended to accept American citizenship. Galstyan also notes that the newly arrived Armenians became victims of the unscrupulous attitude of the Armenian-Americans themselves. An example of their exploitation is the fact that jobs were sold to them at very high prices (Galstyan, 2015, p. 54).

Discussing the problems of Armenians in the USA, historian S. Miller addresses two key reasons for the hostile attitude towards them. In many American cities, Armenians made up a quarter of the foreign-born population and attracted much attention. In some ways, they became a victim of ethnic prejudice. The second reason was the resentment many Americans felt toward the economic success achieved by many Armenians (Miller, 1995, p. 185).

Historical memory, ethnic identity and the common problems facing Armenians in the United States brought them together. Armenian institutions in the United States, ready to provide spiritual and material support to their compatriots overseas, provided the fullest possible access to information and needs emanating from the homeland (Mirak, 1984, p. 51).

Internal Separation among Armenians

Armenian Revolutionary Federation (also known as Dashnaktsutyun) had both supporters and opponents among Armenians. This fact became the subject of misunderstanding and hostility among Armenians in America. The Dashnaks, adherents of the national revolutionary struggle for the independence of Armenia, strongly criticized the Armenian Apostolic Church for exceeding the significance of its spiritual functions. Opponents of the party saw the future of Armenia only under the leadership of the church.

The murder of Archbishop Levon Turyan, the Primate of the Eastern Diocese of the Armenian Apostolic Church, by political opponents in New York made the misunderstanding between Armenians more severe. The Archbishop had taken an anti-Dashnak position. On July 1, 1933, during the Armenian Day celebration as part of the “Century of Progress” exhibition in Chicago, Turyan ordered the tricolor flag of the Armenian Democratic Republic to be removed from the stage before the start of the prayer. According to Turyan, his appearance at the flag might not have pleased the

government of Soviet Armenia. The Armenian Apostolic Church was the spiritual center of Soviet Armenia, and the Catholicos of All Armenians considered it necessary to maintain friendly relations with the Soviet authorities. Dashnaktsutyun adherents regarded the incident as a betrayal. Soon Turyan was attacked by five party representatives in Worcester, after which he was forced to turn to the services of a bodyguard. On December 24, 1933, the eve of Christmas, after prayers at Manhattan's Holy Cross Church, Turyan was attacked and stabbed multiple times by several men ("The New York Times", 1933). All nine men found guilty in the murder case represented the Armenian Revolutionary Federation.

Subsequently, the community of believers of the Armenian Apostolic Church in the USA was divided between churches associated with Armenian Catholicosate of Cilicia and Mother See of Holy Etchmiadzin.

Formation of the Armenian Lobby

The Armenian lobby in the United States was formed parallel to the process of self-organization of Armenians, but as an organized community system it has been operating since the 1970s. With the rise of Armenian issues in the legislative and executive bodies of the United States, the need arises to create professional Armenian lobbying organizations. These organizations were established by the Armenian community. Despite the fact that from a legal point of view they do not officially represent the entire Armenian community,* they maintain close relations with its members. Armenian-Americans fund these organizations and cooperate with them, both on a paid basis and as volunteers (Zarifian, 2010, p. 179).

Armenian National Committee of America

Founded in 1918, the Armenian National Committee of America (ANCA) becomes an influential organization. It carries out a policy of protecting the interests of Armenians in various fields. ANCA is the successor to the American Committee for Independence of Armenia (ACIA), founded by Vahan Kardashyan, the Ottoman Empire's consul in Washington, after the First World War. ACIA had 23 representative offices in 13 states.

The organization was founded by representatives of the Dashnaktsutyun and to this day maintains close ties with the party. The main goals of ANCA's activities are to increase public awareness in support of a free and independent Republic of Armenia, to direct US policy based on the interests of the Armenians, to represent their general approaches to public policy in relations

* Official representation of interests, according to the US law, occurs in accordance with democratic principles, through elections.

between voters and officials. ANCA actively works towards the establishment and strengthening of the Republic of Armenia as a safe, promising and democratic country. It also advocates for international recognition of the Armenian Genocide, works to end the political and economic blockade of Armenia by Turkey and Azerbaijan, and seeks to increase US financial assistance to Armenia for economic and democratic development. ANCA was supporting the right of the people of the Nagorno-Karabakh (NKR) to self-determination and its independence, also providing financial assistance to the NKR. It should also be noted that the Committee, starting in the 1990s, took an active part in the adoption of Section 907 of the Freedom Support Act.

Armenian Assembly of America

The Armenian Assembly of America (AAA) was established in 1972 through the efforts of non-Dashnak representatives of the Armenian community (Veranyan, 2010, p. 119). The organization provided enormous socio-political and informational assistance in the movements for the independence of the Republic of Armenia and NKR. By intensifying the activities of the US legislative and executive authorities to assist the Armenians, the AAA had a tangible contribution to the issue of providing financial aid for both Armenia and NKR from Washington.

Through its lobbying activities, the AAA contributed to the inclusion of representatives of the Congress in solving the problems of the Armenians, as a result of which the Congress Committee on the Armenian Question was formed. Thanks to the activities of the Armenian lobby in the United States, the Committee became one of the major ethnic lobbying institutions, actively collaborating with the AAA to strengthen US-Armenian ties and protecting Armenian interests.

Following the collapse of the bipolar world order and the establishment of the sovereign Republic of Armenia, the activities of the Armenian lobby in the United States became more complicated and received new vectors of development. New opportunities have been opened up to protect the interests of the Armenian population of the USA and the Republic of Armenia, in particular, in the context of cooperation between the Republic of Armenia and the Armenian diaspora. In 1988, the AAA opened its first Western office in Yerevan to improve relations between Armenia and the United States, intensify the activities of the Armenians and involve Armenian figures and organizations in lobbying activities.

In order to increase the efficiency of the process of international recognition of the Armenian Genocide, the Armenian National Institute was founded within the AAA in 1997. Its activities focus on the study of historical archives of genocide. The main AAA institution carrying out information and

propaganda activities in American society is the Armenian-American Action Committee (ARAMAC). The latter provides Congress with reliable information and analysis and counters the spread of anti-Armenian disinformation.

Thus, the main directions of activity of the Armenian Assembly of America can be presented as follows: increasing the potential of the organization, based on the interests of Armenians of America, providing maximum opportunities for the active participation of Armenian figures and organizations in the democratic processes of the United States at the local, state and federal levels, expanding research and educational initiatives focused on the recognition of the Armenian Genocide, deepening US-Armenia relations on the basis of democracy, the rule of law, free market relations, common approaches to solving regional security issues.

Other Armenian Lobbying Organizations in the USA

The Armenian American Political Action Committee is an independent lobbying organization. The Committee provides assistance to those federal candidates who, through their actions, contribute to the establishment of peace and stability in the Transcaucasia region and the solution of the problems of Armenians in the United States. The Committee carries out activities to replenish the members of the Congressional Committee on Armenian Affairs and develop the activities of the latter, based on Armenian interests.

In December 2006, another Armenian lobbying organization, US-Armenia Public Affairs Committee (USAPAC), was founded. The USAPAC highly appreciates the rapprochement between the United States and Armenia and is doing significant work in this area. Another vector of the USAPAC's activities is the establishment of friendly relations and cooperation with US Jewish lobbyists.

Conclusion

The existence of two big Armenian lobbying organizations in the United States has historical background. The goals and objectives of these organizations come from both Armenia's history of and the history of the Armenian community in the United States. Their main missions include providing support to Armenia, advocating for the recognition of the Armenian Genocide, and increasing the participation of the Armenian community in US domestic and foreign policy.

It's difficult to determine whether the Armenian lobby in the US would be more effective if it were represented by one single institution. This is just one of the circumstances, and unfortunately, the promotion of Armenian interests in American politics was often hampered by more objective circumstances,

such as the strong resistance of the Turkish-Azerbaijani lobby and the economic advantages of US cooperation with Turkey and Azerbaijan. Nevertheless, the institution of lobbying still has a decisive role in US politics, and work in the direction of ethnic lobbying is very important for Armenia and Armenians.

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POST-SOVIET DESTABILIZATION AS A STRUGGLE BETWEEN AUTOCRATIC AND DEMOCRATIC TRENDS*

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Abstract

The research paper explores the struggle between democratic and autocratic diffusions in post-Soviet space, reveals their peculiarities and emphasizes the upcoming trends, especially by taking into consideration the situations emerged after successful democratic improvements and progress in some former soviet republics. The comparative analysis of social and political processes in post-Soviet space showcases that some authoritarian states such as Russia and Azerbaijan, consistently play a destabilizing role and engender new challenges not only for democratization but also for stability and peace-building in conflicting zones.

The research is focused on the study of Ukrainian, Georgian, and Armenian post-Soviet experiences as states with democratic vision challenged by their autocratic neighbors that persistently threaten democratic ones by violating their territorial integrity and sovereignty.

To overcome these challenges, post-Soviet democratization needs to be protected from both inside and outside. Only in this case the foreign policies' diversification in post-Soviet democratic states will succeed and the dependence of democratic rulers on autocratic ones will considerably decrease.

In this regard, mainly Russia is very sensitive to this circumstance because such developments will lead to the fall of its geopolitical hegemony in post-Soviet space. If Russia succeeds in destroying democratic trends in post-Soviet

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space, it will not only keep its influence over other countries but also push them back to the authoritarian rule.

Keywords: democratization, autocracy, destabilization, post-Soviet space, Russia, South Caucasus.

Post-Soviet Autocrats' Fear of Democracy

After the “waves of democratization”^{*} in the 20th century, there was a hope that the trend of democratization would spread to regions previously under authoritarian rule and communist dictatorship. The dissolution of the Soviets, somehow, was considered as a new wave of democratization and market economy building but the social and political developments showcased that even after 33 years there are still many obstacles that democracy has to overcome for an effective transition.

In this regard, T. Carothers rightly points out that the temporary weakening of an authoritarian regime may sometimes be conflated with a democratic transition (Carothers, 2002, pp. 5-21). A transition, however, requires fundamental, systemic changes in a given polity (Snegovaya, 2023, pp. 105-118). Most authoritarian breakdowns do not bring about democratization but instead lead to the emergence of new authoritarian regime or state collapse and anarchy (Levitsky & Way, 2002, pp. 51-65). Moreover, the failed regional democratization leads to new conflicts or to defrosting of frozen ones. We can confirm that a similar situation is now emerged in post-Soviet space. Some post-Soviet authoritarian rulers serve as a source of conflict generation against their democratic neighbors because democracy was, is, and will be considered by authoritarian rulers as a primary threat to their regimes and political power.

It is a fact that in recent years some countries in every region of the world have been captured by authoritarian rulers. For much of the 21st century, however, democracy's opponents have labored persistently to dismantle this international order. The fruits of their exertions are now apparent. Russia and other dictatorships have succeeded in shifting global incentives, jeopardizing the consensus that democracy is the only viable path to prosperity and security while encouraging more authoritarian approaches to governance. The present threat to democracy is the product of 16 consecutive years of decline in global freedom. Over the past year, a total of 60 countries suffered declines, while only 25 improved. As of today, some 38 percent of the global population lives in Not Free countries, the highest proportion since 1997. Only about 20 percent now live in free countries (Repucci & Slipowitz, 2022, p. 1).

^{*}See more in detail in Huntington, S. (1984).

From the viewpoint of democracy, a truly democratic Russia was never “gained”. While the Soviet Union broke up in 1991, no real democratic transition took place. Instead, the former communist system remained in place, with only a few outward appearances shifting: the old Soviet wolf in new clothing. The Soviet-era ruling groups and institutions largely survived at the top of Russian politics. One exception was or should have been the market economy, but even there, old elites seized for themselves the most lucrative assets and positions. The eventual re-autocratization of Russia was just a matter of time (Snegovaya, 2023, pp. 105-118).

Under the first years of Yeltsin’s rule, Russia made some improvements by amending former soviet laws, tried to accelerate the economic growth, built a multi-party system but at the same time it kept its levers of influence over neighboring countries, and politically (in some cases militarily) got involved in regional and territorial conflicts in Chechnya, Abkhazia, South Ossetia, Nagorno-Karabakh, etc. The neo-imperial intentions of Russia, nourished by the ideology of “Russkiy Mir – Russian World”^{*} became more realistic after Yeltsin’s resignation in 1999 when the PM V. Putin was chosen as his successor.

Under Putin’s rule, Russian policy has considerably hardened both domestically and internationally. It has gone from a mixture of oligarchy and democracy to a regime of autocracy and from an effort to imitate and join the West to a verbal aggressiveness towards the United States and an effort to reassert Russia’s domination over its former empire, especially in post-Soviet space. An important link between the two evolutions is to be found in the post-imperial nostalgia of the Russian population, in the neo-imperial ambition of its leaders, and in their fear of the spread of “color revolutions” among their neighbors (Hassner, 2008, pp. 5-15). In this respect, a legitimate question arises “*Why Russia is so sensitive about “color revolutions”?*”. The answer to this question is related to the fear of authoritarian rulers about democracy. It is quite evident that such revolutions lead to democratic regime development which is the biggest threat to autocracies.

As a political and social process, the post-Soviet transformation has showcased the trend of crystallization for two groups of countries: *autocratic* and *democratic*. Obviously, autocratic countries in Russia’s near abroad are more or less safe and not threatened by Russia in comparison with democratic ones. In the last two decades, Russia has concentrated on its aggressive policies regarding its neighboring countries that have chosen the democratic path of state-building and social development. Since the 90s, Russia has been also aggressive to its internal democratic movements. If we take into account

^{*}See more in detail in Jilge, W. (2016).

the fact that the post-Soviet space is fractured between autocracies and democracies, we can clearly see and confirm that post-Soviet countries with democratic trends in Russia's near abroad such as Georgia, Moldova, Ukraine, and Armenia are really endangered and targeted by Russia. In these countries or around them Russia has created conflict zones to use political leverages of control by managing the conflicts.

On the contrary, Russia is now strengthening its ties with post-Soviet autocratic countries such as Belarus and Azerbaijan by forging with them common interests. Recently, Russia has improved its political, energetic, and military ties with Belarus and Azerbaijan. Furthermore, the Belarus regime continues to rely on Russia economically and has worked to increase trade cooperation with Azerbaijan (Ioffe, 2024). The Russian Federation is slowly forcing Belarus into a union state. This circumstance became more apparent during and after the Belarusian presidential election in 2020. Over the past two years, Russia has violated Belarus's sovereignty by stationing troops in the country. This occupying force has transferred weapons and equipment from Russia into Belarus to equip the invading force in Ukraine (Temnycky, 2024). As for Azerbaijan, during his visit to Baku, Russian PM M. Mishustin stated that Russia is among Azerbaijan's key trading partners. Trade and economic relations between the two countries are developing consistently. Bilateral trade is growing steadily. In 2023, their trade reached a record high of almost \$4.4 billion (Official Website of the Russian Government, 2024).

It has to be noticed the exceptional political longevity of all three countries' autocratic leaders who are in power for decades. The above-mentioned facts prove that these post-Soviet leaders forge much more common interests and are aggressively minded towards neighboring countries with democratic vision such as Ukraine, Armenia, Moldova, etc.

Even in the case of post-Soviet conflicts' settlement, Russia acts according to the interests of autocratic countries by neglecting the interests of democratic ones. For example, the Nagorno-Karabakh conflict "was settled" only with the respect of Azerbaijani interests when not only the bloody war against Armenians in 2020 was recognized by Russia as legitimate but also the whole territory of this region was recognized as inseparable part of the Azeri state without the rights of Armenians to autonomy. Being the only warrantor of the Armenian population's security, safety and rights in Nagorno-Karabakh, Russia did nothing to react or protect them during the ethnic cleansing in 2023.

In this regard, D. Scheffer rightly points out "The ethnic Armenian population ... is experiencing ethnic cleansing at warp speed. Over the last week, almost all of the estimated 120,000 ethnic Armenians in Nagorno-Karabakh have fled west to Armenia. This exodus follows clashes with the

Azerbaijan army that has reportedly killed upwards of four hundred people, including some civilians” (Scheffer, 2023).

Taking into consideration the democratic trends in neighboring countries, Russia, when necessary, even does not recognize the fundamental documents that it has signed when these documents don't reflect its national interests: for example: the 1991 Alma-Ata Declaration (Alma-Ata Declaration, 1991) according to which all administrative borders of the Soviet Union member states have become as state borders for post-Soviet countries. Russia's attack on Ukraine in 2014 and the occupation of Crimea as well as the recent war launched in 2022 totally neglect and bypass that declaration's principles.

Russia does not support democratic trends not only in its near abroad but also in its own territory. For example, in the run-up to Russia's 2021 parliamentary elections, the regime of President V. Putin dispelled the illusion of competition by imprisoning the opposition leader A. Navalny and tarring his movement as “extremist” which prevented any candidates who were even loosely associated with it from running for office (Repucci & Slipowitz, 2022, p. 1).

The fact is that almost all democratic activists, journalists, and opposition leaders were arrested, repressed, killed, or passed away during the last 3 decades. The opposition's most promising leaders' deaths every time shocked the international community (Boris Nemtsov was killed in 2015, Alexey Navalny passed away in prison in 2024). Their deaths also demonstrate that Russia's ruling political elite is not intended to real political pluralism or to free and open political competition due to its fear of democracy.

Despite Russia's narratives and active propaganda, democracy in post-Soviet space is mostly supported and promoted by the West, especially by the US and EU that's why Russia considers this circumstance as a real threat and a serious geopolitical challenge to its national interests.

As counteractions to the spread of autocratic trends in post-Soviet space engendered by Russia, Belarus, and Azerbaijan, the US and EU revise their policies and diplomatically shift the democratic discourse to a concrete financial, political, in some cases (Ukraine, Armenia) militarily aid to “targeted” countries.

In this context, it has to be mentioned the US President J. Biden's speech (March 7, 2024) addressed to the Congress when he highlighted the importance of defending democracy around the world. He began by emphasizing what he said are threats facing democracy around the world and calling on Congress to approve additional aid to Ukraine in its war against autocratic Russia. More broadly, Biden said that freedom and democracy are under attack both at home and overseas at the very same time (Scott, 2024).

Nowadays, Russia consistently and continuously increases its efforts to challenge the stability in its near abroad for deterring the spread of democracy. The aftermath of Russia's actions in Eastern Europe, and additionally, the Azeri aggressive discourse and its obsession to become the leading power in the South Caucasus currently destabilize the post-Soviet space.

Another important backlash against Russia's foreign policy in Eastern Europe was the recent NATO enlargement, when Sweden and Finland joined the alliance for security reasons. This was done to prevent Russia's new invasion plans into other Eastern European democratic countries. In this regard, S. Tapia rightly pointed out: "Seen from the south of NATO territory; the entrance of the two countries shifts the Alliance's centre of gravity even further north than it already is" (Tapia, 2022). This showcases that Russia's aggression against Ukraine didn't deter but accelerated the integration of the above-mentioned countries to NATO. Not once Russia has announced and tried to reason up its Ukrainian invasion as a preventing step to strategically deter the NATO enlargement on its borders. But its aggression against Ukraine and provisions for other post-Soviet democratic states in Eastern Europe had a counter effect.

The internal political situation is quite similar in other post-Soviet autocratic states such as Belarus and Azerbaijan. In these countries, the opposition leaders are also pursued, arrested, exiled, or found dead in prison. For example, in 2020 a Talysh prominent leader F. Abbasov was found dead in prison after being extradited from Russia to Azerbaijan ("Talish.org", 2020). In this regard, post-Soviet autocratic countries imitate each other to maintain and last their authoritarian regimes.

The elections are another factor that unites post-Soviet autocracies. The fear of democracy forces autocratic leaders "to win" in elections with a huge advantage over their competitors who are mostly "puppets" to show "competitiveness" and "pluralism". Real opponents are neutralized before or during the electoral process. For example, in Belarus the main opposition candidate S. Tikhanovskaya was forced to leave the country for Lithuania in the wake of a disputed 2020 presidential election ("BBC", 2020).

According to the statement of OSCE monitors, the anticipated 2024 presidential election in Azerbaijan was not competitive ("Al Jazeera", 2024) when I. Aliyev got more than 92 percent of the votes. His 5th term victory with such a percentage is proper to autocratic, more likely to the totalitarian leader.

As for Russia's presidential election in March 2024, the reappointment of V. Putin seemed inexorable (Caprile, 2024). It was one month before the election that the opposition leader A. Navalny died in prison. All these facts confirm that autocracies fear of democracy and push it back in all possible ways.

Russia's fear of democracy is also related to the EU's policies towards post-Soviet countries. Russian political leadership is very sensitive to the decision by EU leaders on December 14, 2023, to open accession talks with Ukraine and Moldova and to grant Georgia "candidate status". These actions are considered as a geopolitical threat to Russia; the whole EU enlargement process is now infused by it. Russian elites have been thinking in win-lose categories, in zones of influence and buffer zones, as well as about the weaponization of energy and strategic infrastructure for decades. Therefore, it should not have been a surprise that a major conflict about territory and borders, in this case Ukraine's, has emerged. For Moscow, threatening Ukraine in particular means a changing security situation for Georgia, Moldova, and the Baltic States (Meister, 2024).

It has to be noted that Georgia's "candidate status" is now suspended after adopting by the parliament the so-called law on "foreign agents" (European Commission for Democracy through Law, 2024). The Western countries and pro-western experts in Georgia were convinced that this law was backed by Russia because a similar law was adopted there earlier. Now Georgia's hopes of joining the European Union are put on ice just months after the South Caucasus country was granted "candidate status". Critics and legal experts say the legislation mirrors rules used by Russia to crush dissent and shutter civil society groups (Gavin, 2024).

The attempts of Russia to destabilize the post-Soviet space and intervene in the internal affairs of neighboring countries continue. At the same time it is very important to highlight that if post-Soviet countries with democratic vision stayed authoritarian, they would not be threatened by Russia or other post-Soviet autocratic countries because in that case, autocrats would not consider them as a geopolitical challenge and political risk for their regimes.

S. Meister rightly points out that Russia's policy is often not about dominating territories outright by way of military occupation but through close informal links with authoritarian and corrupt elites. Gray zones with a certain level of disorder, weak and non-democratic institutions, and competing groups of warlords are a perfect environment for Russia to gain influence via informal ties, corruption, and military forces. This approach comes under pressure if there is a political change such as Georgia's Rose Revolution in 2003, Ukraine's Euromaidan in 2013, Armenia's Velvet Revolution in 2018, and a growing public pressure for democratic transition, EU integration, the fight against corruption, and less Russian influence (Meister, 2024). No doubt that Russia's perception of the above-mentioned post-Soviet countries has changed in consequence of their option for democratic development. That was considered by Russia as a step away from its political interests and impetus to leave its zone of influence. Social and political changes in former Soviet

republics were called “color revolutions”^{*} to which Russia became very sensitive. In Russia, these processes gained some kind of aggressiveness towards those former Soviet republics that preferred to establish closer relations with the democratic world by neglecting Russia’s interests.

Russia’s decision to launch a large-scale invasion of Ukraine is, therefore, an exception to the successful Russian policy of creating and maintaining gray zones. With the attempt to take Kyiv by force, topple the Ukrainian government, and install a pro-Russian leadership, the Kremlin wanted to get a whole country under its control. It was not only a reaction to the assessment that with Ukraine Russia is losing the key country in the post-Soviet region. But it also was carried out based on the assessment by Putin that, after the limited reaction of the European countries and the US to the annexation of Crimea and the war in Donbas, the Kremlin would not incur any major costs. The comprehensive Western sanctions and the support for Ukraine came as a surprise to the Kremlin (Meister, 2024).

Another attempt to clash the legitimate government and to intervene politically is the case of Armenia when on September 19-30, 2023, in parallel with the ethnic cleansing of Armenians as an autochthon population of Nagorno-Karabakh, Russia’s former president D. Medvedev called on his Telegram channel for a coup in Yerevan (“Zarkerak”, 2023).

After its invasion of Ukraine, Russia considerably increased its political pressure on Georgia too. According to some expert assessments: “Russia is losing in Ukraine but winning in Georgia” (Kandelaki, 2023). This circumstance deeply affects the political situation and slows down the democratic development in this country.

All these facts showcase that Russia does not support post-Soviet democracies and consider them as rivals. Post-Soviet democracies are now more threatened in an authoritarian neighborhood than before. To face this challenge, the displacement of global democratic norms by authoritarian powers and other antidemocratic actors must be reversed. But success will require a bold, sustained response that establishes support for democracy and countering authoritarianism at the heart of each democracy’s foreign policy, national security strategy, and domestic reform agenda (Repucci & Slipowitz, 2022, p. 14). Only in this case, post-Soviet democracies will be able to resist and overcome Russia’s threats to their sovereignty and territorial integrity.

Russia’s Geopolitical Upheaval in Post-Soviet Space

After the dissolution of the Soviet Union, Russia was and is keeping its influence on post-Soviet space due to national or inter-ethnic conflicts

^{*}See more in detail in Ó Beacháin, D. & Polese, A. (2012).

necessarily by igniting and freezing them. The conflicts serve as an effective tool to control regional political processes and keep its own regime running. It means that conflicts resolution in post-Soviet space will definitively alter Russia's leading position and more likely lead to the weakening of its regional influence.

From the Kremlin's viewpoint, frozen conflicts keep its neighbors preoccupied and dependent on Russian mediation and peacekeeping missions.

According to the Kremlin, Russia is on a roll. It might seem odd at this moment to discuss Russia's declining geopolitical power. But in the larger context, regardless of political vicissitudes and something approximating stalemate on the ground in Ukraine, Russia is losing influence and position. Even if it ultimately prevails in Ukraine – in the sense of holding on to the territory it currently occupies – it will have done so at the expense of its global power. To use a chess analogy, Russia is attempting to protect a few pawns while putting its queen at risk (Feffer, 2023). Russia's efforts to keep the regional hegemony in post-Soviet space weaken its posture in its far abroad. Therefore, willing to win regionally Russia loses globally.

It is very important to state that day after day Russia becomes unable to provide “authoritarian peace”* with its mediation or peacekeeping missions in case of frozen conflicts.

For example, after the 2020 war in Nagorno-Karabakh and 2021-2023 Azerbaijani invasions into Armenia's sovereign territory (Ordukhanyan, 2022, p. 318), disillusioned about Russia's non-actions, Armenia *de facto* withdrew from the Russian-led CSTO military alliance and invited US troops to participate in joint drills in the country.

Armenia's geopolitical balancing to the West is due because of Russia's refusal to recognize the Azeri invasions and to assume its responsibility to protect the territorial integrity of Armenia. After the Azeri invasions Russia and other CSTO member-states did not react and even did not make a political statement regarding the violation of their ally's territorial integrity. After 2020 war in Nagorno-Karabakh, Russia still did not deliver the defensive military equipment bought by Armenia which also demonstrates that Russia is not interested in stabilization and peace in the South Caucasus region. Otherwise, defensive military equipment would help to restore the balance of forces between Armenia and Azerbaijan which, in turn, would neutralize Azeri intentions to invade furthermore into Armenia's sovereign territory. Russia wants the conflict to persist because only in that case it can keep the chance to prolong its military presence as a fake “peacekeeping” mission.

*See more in detail in Ordukhanyan, E. (2023).

But even before the latest turn of events, Armenia was distancing itself from Russia. Armenian PM N. Pashinyan declared last summer that Armenia is not Russia's ally in the war with Ukraine. The Armenian leader could see the writing on the wall in terms of Russia's waning commitment to its allies in the region. The Kremlin, meanwhile, saw less value in assisting a wavering ally (Feffer, 2023).

Change is noticeable in the South Caucasus. The takeover of Nagorno-Karabakh in September 2023 by the Azerbaijani military offensive and the exodus of Karabakh Armenians from the region were coordinated with and accepted by Moscow. After these events, Russia withdrew its "peace forces" from the region and lost influence over Azerbaijan. For Russia, Azerbaijan and its ally Turkey have become more important as part of the North-South transit route, and Turkey in particular for circumventing Western sanctions (Meister, 2024). Now, it becomes more obvious that the last war in Nagorno-Karabakh more likely was a deal between Russia-Azerbaijan, and Turkey to separate the zones of influence in the South Caucasus.

This downward spiral of waning Russian interest and wavering Russian allies is visible elsewhere in the former Soviet space. Back in January 2022, before it invaded Ukraine proper, Russia helped the Kazakh government to suppress an outbreak of protests. But six months later, Kazakhstan was also distancing itself from the Kremlin as it began to reach out to the West and welcome Russians fleeing forced mobilization. When clashes erupted between Tajikistan and Kyrgyzstan, two close allies of the Kremlin, Russia didn't step in to mediate the conflict (Feffer, 2023).

As for Georgia, Russia's ties with this country more likely have improved despite the war in 2008 which has ended with Moscow's actual control over Georgia's territories of Abkhazia and South Ossetia. But nowadays situation is related to the Georgia's fear of being invaded again by Russia. Despite Georgia's civil society's efforts not to return to the Russian path and the European Commission's official recommendation to grant candidate status to Georgia on November 8, 2023, the risk of democratic decline and turn back under Russia's influence remains.

Georgia was a key country in the South Caucasus and post-Soviet region, crucial in terms of transit and trade, and it was also an example of reforms and transatlantic integration in the past. Here again, Russia competes with the EU over geopolitical influence in this key region, but also as a norm setter in regional conflicts or the legal sphere. The attempt of the Georgian government to introduce a "foreign agent" law in spring 2023, copied from Russian legislation and aimed at cutting civil society off from external funding, was stopped by public protests at the last moment (Meister, 2024). However, one

year later, that law was adopted by Georgia's parliament despite new massive protests (Jégo, 2024).

Traditionally, the Russian leadership is willing to use force against neighboring countries if they choose to be democratic and furthermore, leave Moscow's "sphere of influence". In the understanding of the Russian elites, post-Soviet countries are not sovereign, and their attempts to integrate with other institutions, especially with western ones such as NATO and the EU, need to be sanctioned if Russia is not to lose its position as the regional hegemon in post-Soviet space. But recent developments in post-Soviet space due to Russo-Ukrainian war outcomes showcase that the invasion of Ukraine in 2022 undoubtedly weakened Russia's regional leadership (Roberts & Ziemer, 2024, p. 9) that's why not only Russia but also Belarus make efforts to establish cooperation with extra-regional autocratic leaders. The bond between Russia and Belarus remains tight, and the latter even proposes three-way collaboration with North Korea (Roth, 2023).

However, prior to the invasion of Ukraine, Russia had much greater influence in its "near abroad" from the Caucasus to Central Asia. Putin thought that he could "kill the chicken to scare the monkey" by invading Ukraine and putting the fear of intervention into all the other neighboring countries. Instead, with the exception of Belarus, other former Soviet republics can easily see that Russia not only has failed to kill the chicken but has sustained some significant scratches in return. Worse, from the Kremlin perspective, Russia might have lost even more influence further from home (Feffer, 2023).

In its war with democratic trends in post-Soviet space, Russia strengthens ties with other authoritarian leaders to get new weapons for its invasion. In this regard, J. Feffer rightly points out that the consolidation of this authoritarian axis comes as Russian influence has declined among more powerful countries. For example, Saudi Arabia pointedly didn't invite Russia to a meeting organized with Ukraine on finding solutions to the conflict. India's Prime Minister Modi openly rebuked Putin about the war, and Russian-Indian relations have eroded over the last year (Feffer, 2023). As a reliable partner, India is more intended to develop economic ties with Western countries as an alternative to China. Last mutual visits in Paris and New Delhi aimed at economic and even strategic partnership with France as well as military supplies to Russia's *de jure* ally Armenia, showcase that not only big players but also smaller ones, mainly in post-Soviet space are diversifying their policies which geopolitically will lead to the regional retreat of Russia.

Even African leaders have been similarly angry over rising food and energy prices as a result of the Russian invasion of Ukraine. The death of Yevgeny Prigozhin and the break-up of the Wagner Group are also endangering the

more informal ties that Russia has forged with several African countries (Feffer, 2023).

Economic sanctions, in their turn, paralyze Russia's projects and their role in the global economy and market. To avoid sanctions, Russia tries to import goods and technologies from third countries that are in the same customs or economic union. But these actions create real threats for those third countries that really intend to collaborate with Russia to bypass the international sanctions.

Russia's isolation continues also in international organizations. For example, in 2022 PACE voted unanimously to call for Russia's exclusion from the Council of Europe (Council of Europe, 2022). In 2024 PACE called for frozen Russian State assets to be used to support the reconstruction of Ukraine (Council of Europe, 2024). Russia and Belarus have been banned from the Olympics in Paris 2024 (Sheldon, 2024), etc...

The struggle against democratic trends in post-Soviet space and the war against Ukraine are not only changing Russia, however, but also its relations with post-Soviet neighbors. Russian interests have changed within the new context of comprehensive Western sanctions and an economic and political decoupling from the West. Russia has to concentrate its resources on Ukraine; it is becoming weaker as an "*authoritarian security provider*". Some post-Soviet neighbors are becoming even more important for Moscow, and the Russian state and businesses have become more active in Central Asian and the South Caucasian autocratic states. Since trade and transit routes to Europe are now disrupted, investments in infrastructure and new corridors as well as cooperation to circumvent sanctions are growing (Meister, 2024).

Notably, Russia strengthens partnerships with other former Soviet autocratic countries such as Azerbaijan which trades Russian oil and gaz. Russia also claims from Armenia the control over "Zangezur Corridor" by not deterring Azerbaijan to continue its aggression over Armenian sovereign territory.

Conclusion

The struggle between autocratic and democratic trends in former Soviet space showcases the major trend of upcoming years that will affect the new order in this wide region. In the current situation, former soviet republics with a democratic vision really suffer because of Russia's large-scale war in Ukraine. However, due to this war, Russia becomes much weaker to strengthen its hegemony in post-Soviet space. To keep its influence, it will have to compete with other global and regional actors such as the US, EU, China, India, Turkey, and Iran.

With its ‘war’ against democracy in post-Soviet space and with its invasion of Georgia and Ukraine as well as *de facto* non recognition of Armenia’s borders with Azerbaijan, the several threats over Moldova, actual rejection of the 1991 Alma-Ata Declaration, and because of its fear of democracy, Russia has opened the Pandora’s box by destabilizing the post-Soviet space. Besides Russia, other post-Soviet autocrats also threaten neighboring democratic republics. Azerbaijan’s 2022 invasion of Armenia’s sovereign territory in bordering regions undermined its territorial integrity. Backed by Russia (previously also by Turkey), after the 2020 war in Nagorno-Karabakh and despite the existing road via Iran, Azerbaijan claims an “extraterritorial corridor – Zangezur Corridor” under Russian control crossing Armenia’s sovereign territory to directly connect with Nakhichevan.

This plan fails because of Armenia’s and Iran’s positioning that any change of borders between these two countries is unacceptable for both. The territorial integrity and sovereignty of regional states are also supported by the US, India, and EU (especially: France). This fact showcases that post-Soviet democratic states gain support from eastern and western partners to face security challenges in the region. At the same time, Russia still has some political, economic and energetic leverages to maintain its decreasing influence in the post-Soviet space, especially within the framework of the Eurasian Economic Union which helps the Russian economy to function at war time.

Recent developments in post-Soviet space clearly showcase that authoritarian rules are consistently challenging democratic ones by violating their territorial integrity and sovereignty. In this regard, Russia challenges the Eastern Europe and Azerbaijan, in its turn, challenges the South Caucasus. By their aggressive intentions and active policies towards neighboring countries, the post-Soviet authoritarian leaders surely tend to create a vulnerable and disadvantageous image of democracy by promoting the fake idea that *democracy is incompatible with security* in this wide region. They realize that sustainable democratization in post-Soviet space will entirely destroy the political and economic impact of autocratic countries on their neighbors by engendering preconditions to foster their independence and sovereignty. Post-Soviet democratization will give an opportunity for diversification and will decrease the dependence of democratic rulers from autocratic ones.

Therefore, mainly Russia is very sensitive to this circumstance because it will lead to the fall of its geopolitical influence. Otherwise, by destroying democratic trends in the post-Soviet region Russia will keep and even increase its influence over other countries in this space.

Taking into consideration these circumstances as well as the current situation and expected trends, it has to be argued that Russia itself has

launched the irreversible process of its global geopolitical retreat despite its efforts to keep the local hegemony in post-Soviet space.

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PRIORITIES OF POLITICAL COMMUNICATION IN ARMENIA'S INTERNAL POLITICS

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Abstract

Currently, the effective use of political communication to confront internal threats to national security is an important issue in the Republic of Armenia (RA). Among the internal threats, the author singled out the absence of a stable civil society, the non-establishment of the multi-party system, the neglect of the feedback mechanism in the state's political communication, etc. In particular, the following are the main reasons for the weakness of the multi-party system in RA:

- weak connection with voters, being active only during election periods,*
- unclear ideological orientation,*
- personnel policy, the weak structure of internal democracy and autonomy.*
- not sufficient representation in all provinces*
- non-transparency of political and financial activities,*
- weak control over the activity of parties.*

Keywords: national security, political communication, multi-party system, active participation, personnel function.

Introduction

Among the main principles that reveal the essence of democracy in modern political science literature are: “a) establishing the state on the principle of separation of powers, b) existence of the highest political legislative body elected by the people, c) apart from the legislative body, also the presence of other elective bodies of power and administration, even self-government, d) universal, equal, free suffrage, e) deciding the outcome of the discussion by the majority of votes when making decisions” (Zhiro, 2006, p. 24) and so on.

The Constitution of RA adopted in 1995 was amended twice, in 2005 and 2015. During the recent constitutional amendments, the establishment of a parliamentary government system was justified by greater opportunities to get closer to the standards of democratic government, to root the traditions of

parliamentarism, and to increase the independence of the judiciary. However, in reality, the logic of the constitutional reforms did not lead to the separation and counterbalancing of the branches of power. In their turn, civil sector organizations did not receive greater powers and influence on decision-making. Thus, under the pressure of society, in the Constitution of RA of 2005 a clause was included that allowed a citizen to apply to the Constitutional Court if he has exhausted all other means of judicial protection in the lower courts and disputes the constitutionality of the provision of the law applied to him (Constitution of RA, 2005, Article 101, Clause 6). However, with the amendments of 2015, that clause was reformulated, and the opportunity for a citizen to apply to the Constitutional Court became more difficult. Today, a citizen can appeal to the Constitutional Court if the application of this provision to him has led to the violation of his basic rights and freedoms stipulated in Chapter 2 of the Constitution, taking into account the interpretation given to the corresponding provision in legal practice (Constitution of RA, 2015, Article 169, Clause 8). The possibility of applying to the Constitutional Court from the public sector is not provided at all.*

The forms and means of political communication can be effective both under presidential or semi-presidential and parliamentary administration if the goal is to build a democratic society. What is important is how far the principle of separation of powers, the mechanism of counterbalances and mutual restraints, and staying within the scope of delegated powers are used in the life of the state. The main actors of political communication are political parties of different orientations, politically active citizens and their associations (civil society), media structures, and, of course, the main actor remains the state with its multi-branch information structures.

Security Issues in the Internal Political Communication

The role of the above players (actors) in the context of political communication is very important from the point of view of ensuring the internal security of the state.

In the first years of Armenia's independence, the bureaucratic system had just begun to form, so the state formalism was not universal and complete. Gradually, the themes of "solving the Karabakh issue" and "universal rapid reforms" began to dominate the political arena. As a result, the formation of civil society took place under the significant influence of the traditional bureaucratic structure of the state. It began to be presented as the basis of

* It should be noted that the process of constitutional reforms has been launched in RA, the Council of Constitutional Reforms has been established, which should develop the draft amendments to the RA Constitution (Decision of RA Prime Minister. N 111-A., 2022).

social activity, which allowed to block the striving for independence of civil society structures. Civil society in Armenia started to form in the context of war and socio-economic and political crises. This contributed to the formation of a bureaucratic state, which had a significant impact on the development vector of civil society. Civil society structures served exclusively the interests of the bureaucracy, including actively attracting foreign grants, a significant part of which contributed to the progressive enrichment of the bureaucratic apparatus.

The situation began to change only after the relative stabilization of the situation in the region and the growth of information and communication capabilities. Non-governmental organizations began to be actively created in all areas, as a result of which the hierarchical structure began to crack. Horizontal networks were formed, actions aimed at leveling bureaucratic tendencies were taken. In the years preceding the Velvet Revolution, the civil society in Armenia definitely revised its positions and approaches. In a number of cases, disagreements with the bureaucratic apparatus grew into constructive forms of civil actions and gave certain results (struggle against the increase in transport fares, revolt against reforms related to the retirement age, the “Electric Yerevan” movement, etc.). For example, in July 2013, Yerevan Municipality’s decision to raise city transport fares by 50 percent sparked a public outcry. Media expert S. Martirosyan mentioned the role of communication technologies, when these protest actions took place without being organized by a single center, just with network relations (AMI “Novosti-Armenia”, 2013). After the seven-day actions, Yerevan Mayor T. Margaryan canceled the decision. Different forms of political communication began to be used in public speech, thanks to which civil activists assumed a certain leadership, opening a new page in the aspirations of Armenian civil society for independence.

Civil initiatives in Armenia differ from NGOs in the following features: lack of hierarchy, spontaneous organization, and lack of financial dependence on foreign and domestic donors. Civic initiatives are characterized by independence and a networked structure of activity. “The most important indicator of active citizenship, proactive behavior and practical civic participation is the individual’s civic culture, in the unity of its two components: civic consciousness (knowledge) and participation in public affairs” (Domanov, 2010, p. 25). Civic activists began to embody the changes in public consciousness in Armenia.

The effectiveness of political communication is largely determined by the existence and development of civil society. In general, the existence of civil society is the end result of a democratic society. One of the most important conditions of democracy is the active participation of citizens in the

governance of the state and their involvement in political decision-making processes, and this is possible only in the presence of civil society. “The normative-value base of the civil society is the autonomy of the citizen and human rights” (Dash, 2001, p. 245). The indicator participation is the most important institution for the realization of individual rights and fulfillment of duties of the effectiveness of civil society activity is the high level of participation in the process of making and implementing public decisions. “Participation is the most important institution for the realization of individual rights and fulfillment of duties” (Margaryan, 2006, p. 351).

On the other hand, the participation of civil society institutions in public administration should not be limited to the activities of the election period.

In the modern world, civil society is a variety of relationships between free and equal individuals, not mediated by the state.

In authoritarian countries, there is a strict hierarchy at all levels of government institutions. In the ranks of the bureaucratic apparatus, personal devotion to top management prevails. Unconditional hierarchy and absolute predominance of vertical connections lead to an artificial narrowing of the number of decision-makers (Khaitun, 2012, p. 88). Every change of the first persons in any structure leads to uncertainty in official activities as well as uncertainty in terms of the interpretation of laws. In such conditions, civil society institutions are deprived of the opportunity to carry out their function of transferring information to the regulatory and control structures through communication channels. The state network structure of the distribution of rights and powers does not work. Although by law some of the administrative decisions must be made at lower levels, most of the officials in that position do not take responsibility, they wait for instructions from the top.

The lack of networking opportunities with state bodies has a negative impact on the process of civil society formation. In the conditions of developed information and communication technologies, it is the network that determines the efficiency of the non-governmental sector, not the hierarchy. Every network that is formed by individuals aims to serve to strengthen their own security and satisfy their interests. In addition, networks can have their nodes or centers, which occupy a relatively primary place in the internal structure of the network.*

If a limited number of people, mostly representatives of the bureaucracy, are involved in the decision-making process, then the outcome of those decisions reflects their understanding and interests. Accordingly, the laws and other regulatory norms adopted by them imply the safest possible forms of relations for them. Due to this, the bureaucracy is further strengthened, as a

*See more in detail in Castells, M. (2000).

result of which the independence of the activities of public organizations is further affected. In an authoritarian system, civil actions that can question the activities and decisions of government institutions or the operation of the law are perceived as a direct threat to the system.

In this context, in the previous decades, civil society structures in Armenia had no real levers of influence in the information-decision-implementation cycle due to the strict hierarchical structure of managerial relationships in all spheres. The bureaucracy controlled both the decision-making process and much of the country's media.

According to the data of the RA Ministry of Justice, as of July 1, 2018, 3954 NGOs, 1060 foundations, 188 associations of legal entities (non-commercial), 645 trade unions and 49 religious organizations were registered in the Republic of Armenia.* In 2023, 6469 NGOs, 1696 foundations, 225 associations of legal entities (non-commercial), 695 trade unions, and 62 religious organizations were already registered (“Electronic Register”, 2023).

These data prove that the weight (influence) of civil society in Armenia is increasing. However, one should not ignore the fact that many NGOs are created in Armenia in order to receive grants, to be financed, or to participate in the distribution of other material goods. Such organizations do not have socially based activity missions. These NGOs do not seek to influence the decision-making process, but only act according to the situation, with the principle of obtaining greater benefits. Essentially, these operate along the lines of commercial organizations. Naturally, such NGOs cannot play any serious role in the strengthening and development of civil society.

A large number of NGOs are active in the areas of human rights protection, anti-corruption, social, educational, cultural, environmental, democratic institutions, information, control of decisions of state bodies, and many other areas. Although the 2016 law granted non-governmental organizations the ability to self-finance, in practice, the mechanisms for conducting business activities are almost nonexistent.

The establishment of civil society is also very important from the point of view of ensuring the national security of our country because one of the important preconditions for the effectiveness of state administration is the increase of the role of civil society in the process of preparation and control of decisions. From this point of view, the political society in a sense also assumes the functions of the opposition, transmitting information about the urgent problems of the citizens through its channels to the relevant bodies.

However, there are also risks in this field. Society has an ambiguous attitude towards Armenian NGOs. A small number of them were financed by

*See more in detail in “Electronic Register”. Government of the Republic of Armenia.

state grants for years (for example, “Baze”, “Armenian Youth Foundation”, etc.), so the popular opinion was that they serve the authorities, not the public.

The government also tried to contribute to the distribution of financial flows from abroad, naturally pursuing its own interests. The establishment of pocket NGOs by the state and the ruling elite aimed to ensure the participation of civil society organizations in political life in order to serve their interests. The first and foremost of these interests is to create a system for ensuring one’s own security. Also important are the use of NGOs in the decision-making and implementation processes, the dissemination of one’s point of view, and the collection of the main trends of public dissatisfaction in order to prevent unwanted manifestations.

On the other hand, many non-governmental organizations, and human rights defenders, which are not related to the state power, which are financed by the EU, the UN, various countries, international organizations, and associations, do not enjoy trust among the public. Moreover, there is a perception that they are carrying out anti-Armenian activities.

In our country, the role of the state in the implementation and development of forms of political communication is much more noticeable. The point is that in the conditions of not yet fully established and functioning social-communication and democratic institutions and the multi-party political system, it is easier to manipulate the mass consciousness and make security issues a pretext for fulfilling one’s own goals. From this point of view, the still weak development of political parties is a favorable circumstance. This is evidenced by the fact that the party that does not enter the parliament loses the levers of influence until the next elections. All mobilization potential is related to individuals, and party work is reduced to zero. Even in the parliamentary elections of December 9, 2018, the convincing victory of the “My Step” bloc, with 70 percent of votes, was achieved not due to the institutional establishment of the “Civil Contract” party, but to the personal qualities of its leader. The same can be said about the ruling party’s victory in the extraordinary parliamentary elections of June 20, 2021. Moreover, the pattern is repeated in the case of the main wings of the opposition. Former presidents Robert Kocharyan and Serzh Sargsyan were the leaders of the blocs that passed the parliament, while other forces, whose leaders were little known to the public, gathered a small percentage of votes.

It also leads to nullification of other functions of the party as one of the civil society structures. In other words, the party must either accept the terms of the game proposed by the bureaucracy and try to enter the parliament, or risk being excluded from the public arena for five years. Even the parliamentary parties, which are part of the legislative power and are involved in the process of running the country, do not have the opportunity to block the

initiatives of the bureaucracy, because the latter always has an absolute majority of seats, guaranteed by the Constitution. Thus, Article 89, Clause 3 of the Constitution stipulates the obligation to form a stable parliamentary majority. Meanwhile, this situation contains threats, because “the still insufficient level of establishment of political parties poses a threat to national security. Intra-party democratization is important as a key precondition for strengthening democracy in the country” (National Security Strategy of the Republic of Armenia, 2020).

In our opinion, the legislative base for establishing a multi-party system in RA is quite sufficient.

More than seven dozen parties are officially registered in Armenia, but barely one-seventh of them carry out party-political activities both in terms of fulfilling the above-mentioned functions, legal-legislative, and classical-institutional. The rest are the so-called individual parties, in which the main actor is the founder of the party, and the voters do not recognize almost anyone from that political unit apart from him. These have traditionally sought to provide service to larger powers or influential individuals instead of operating independently. In other words, founding a party was initially determined by narrow selfish goals and not by the drive to assume a political role in the system of the state and become a participant in political communication.

The main functions of political parties can be grouped into three parts: “1) struggle for power – in this process, the party activates and involves social groups, contributes to the political socialization of citizens, spreads political ideas, 2) personnel function – recruitment of new party members, involvement of supporters and activists, election of leaders and nomination to leadership positions, 3) communicative function – this is a means of establishing contact between the civil society and the state, representing the political will of the former”.*

1. Parties are mostly narrow elite groups or special “electoral machines”. They operate in periods of mass politics, so they are mainly alienated from the Armenian society. Parties primarily reflect the political institutionalization of competing groups of the ruling elite. Most of the parties in Armenia have not become a real political force in Armenian society, they do not have a clear ideology, or developed programs, in fact they are engaged in simulating political activities, in the depths of which clan, group interests, or personal ambitions are hidden.

The most organized political forces in the struggle for power have also, unfortunately, almost always been guided by the logic of narrow party

*See more in detail in Demchenko, S. (2016).

interests, which did not give an opportunity to fully represent the moods and demands of different layers of society. As a result of this, an unequal competitive field was formed for the parties, because the government parties always had more access to state, administrative, and informational resources, and therefore had a greater opportunity to influence the formation of public opinion. Nevertheless, it cannot be said that the activities of the opposition parties were solely in the interest of the society and were aimed at the solution of purely institutional nationwide problems. We witnessed all that during almost all national elections.

2. Although attempts were made to enlarge the parties to refine, consolidate, and make the political field more effective, this process did not yield the desired results. Intra-party democracy is completely absent. Rank-and-file members of political parties are not allowed to participate in decision-making, as decisions are almost always made alone by a leader or a group of leaders with the tacit consent of others. Party members turn into party functionaries who do what they are told to do, not what follows from their ideological beliefs and ideas.

Political parties are generally weakly involved in the formation of the personnel reserve, that is, the training and support of young and promising personnel. They can organize courses, seminars and other educational activities for their members to develop their professional and leadership skills.

Political parties also ignore quota policies to allocate certain seats in the party's governing bodies to representatives of certain groups or regions (for example, women or minorities) with a view to future representation in state bodies. Such policies can promote diversity and inclusion in HR policies.*

3. Political parties have not yet established themselves as universal “social mediators” between the state and society (Harutyunyan, 2014, p. 539). In this sense, the attitude of the Armenian population towards the parties is a manifestation of mutual alienation of the Armenian society and the regime.

In a democratic state, government is carried out by the people or their legally elected representatives. Decisions are made taking into account the opinion of the public and interested individuals or groups. The branches of government are separated from each other; they control and balance each other. Human rights and fundamental freedoms are respected. In this case, the parties have an important role.

Whereas in an authoritarian or semi-authoritarian systems, power is concentrated in the hands of a ruling group or dictator; here the parties are subjected to constant pressures, they are unable to protect their interests and

* See more in detail in Keryan, G. (1996, 2006).

realize their goals in the electoral processes. All privileges are mainly enjoyed by the ruling party.

The lack of feedback from the parties, ignoring the signals and messages from the people lead to citizens' disappointment not only with the parties, but also with the state authorities, which are dominated by the representatives of the ruling political force/forces. This is the reason why, from time to time, moods of authoritarian rule, a "strong hand" need to arise in the society, justifying the ineffectiveness of democratic rule.

Meanwhile, "the existing multi-party system is one of the main characteristics of a democratic state".*

In the post-election periods, traditionally, the activity of parliamentary parties can be seen in the arena. The rest are mostly in a state of political calm. Meanwhile, the political experience of developed countries shows that these forces should actively engage in party building, enter into communication with their electorate, receive a certain political advance for the upcoming elections, etc. In contrast, the ruling party or alliance of parties uses vertical forms of communication to influence the mass consciousness to convince them that their policies are in the public interest.

Thus, currently, the main reasons for the weakness of the multi-party system in RA are:

- weak connection with voters, only being active during election periods,
- unclear ideological orientation (liberal, conservative, left-wing, etc.), personnel policy, the weak structure of internal democracy and autonomy.
- not in all provinces and not sufficiently represented,
- non-transparency of political and financial activities,
- weak control over the activities of parties.

Political communication is not a one-way flow of information through the "state government-society" channel. As in the case of parties and the state, political communication performs its functions thanks to the feedback mechanism. If feedback is ignored or not important during political communication, the state loses the ability to objectively assess reality, relying only on its channels and information-communication means. As a result, it becomes difficult to make political decisions and evaluate their effectiveness, predict their positive or negative reaction from society, etc. Meanwhile, the future success in facing various threats depends on the flexibility and speed of the government to touch the mood of the public and win its sympathy. Until the 2018 parliamentary elections, there has almost always been a crisis of confidence in Armenia.

*See more in detail in Demchenko, S. (2016).

Therefore, the state in all spheres of its operation should keep in mind that political communication ensures the legitimacy and efficiency of the government's operation, including when solving security-related problems. Accordingly, political communication with its feedback function is both a factor in the stability and organization of the political system and a factor in ensuring its security. Media structures are a direct tool of political communication for civil society.

If thanks to the widespread print media in the 18th-19th century, society became an indirect participant in political processes, and later with the introduction of radio and television, it got a greater opportunity to express its position on the unfolding political events, then the situation changed dramatically with the emergence of the Internet. A networked society was created in which each member has relatively equal opportunities to create and consume information.

In the modern world, the elements of the information society formed due to the introduction of information technologies play a major role in the organization of political communication: social and information websites, and blogs, which together with other means of mass media (television, print media, and radio) form the current media domain.

In the past, one or other political and economic groups kept under their control the traditional means of mass media (television, radio, and print media).

Thanks to this, they were able to control public opinion and influence the consciousness and worldview of the broad sections of society. The Internet has made it possible to largely get rid of that control. The variety and unlimited sources of information allowed the public to get acquainted with new views, approaches, and interpretations of the same phenomenon or event. Nevertheless, as some analysts note, "in this case, the governing frameworks have found some ways to maintain information networks in the controllable field (controlled chaos) due to the mastery of the technological opportunities provided by various fake users ("fakers"), information websites, and even social websites" (Bard & Zodkervist, 2005, pp. 175-177). The new technologies of the information or network society provide an unlimited opportunity to disseminate reliable information both in a non-disruptive manner and by falsifying it at one's discretion. Therefore, the political forces, especially the ruling powers, cannot but follow the technological possibilities arising from the spirit of the new times in politics. As the famous French sociologist of the 20th century P. Bourdieu stated, "Politics is a field of competitive struggle for power, in which the ignorant fight for the right to speak or act on behalf of some group or public" (Bourdieu, 1993, p. 205).

In recent years, as a result of the development of the Internet, social networks have become one of the forms of development and consolidation of civil society in Armenia, where issues with public resonance are circulated. “The increasing attraction of social networks for civil initiatives of various scales indicates the formation of a certain culture (for example, posting open letters to government officials)” (Beglaryan, 2013, p. 129). “Facebook” social network is an important driving force of civil activism in Armenia. The latter is currently the most applicable domain in Armenia in terms of organizing political communication, where the number of users is close to 1.5 million (“Sputnik Armenia”, 2018). It proved its viability during the 2018 Velvet Revolution, which occurred in April - May of that year.

Due to the control and guidance of the previous authorities, the management system, the media and the elections, even in the presence of a more or less viable civil society, the Armenian society seems to have become alienated from political events, overwhelmed by apathy (Harutyunyan, 2014, p. 551). The sentiments of political alienation spread not only to the executive, legislative, and judicial authorities, but also to parties, and non-governmental organizations. The mentality that nothing depends on the voice and opinion of the people, the elections are predetermined, and any change initiated from below cannot be implemented in the conditions of widespread political and economic corruption, patronage, and monopolies in the country. In order to keep society under subordination and control, the former ruling elite had alienated it from political processes, creating security guarantees for itself. In such a situation, the government that adopted a semi-authoritarian way of working had itself stagnated and adapted to the order of manageable democracy that it had defined itself. The continuous emigration, the imperfect political system, the directed judicial system, the extreme polarization of society, etc., had already become the most serious threats to national security. In classical terms, all the prerequisites for a social explosion were created in the country. All this led to the unfolding of the Velvet Revolution, based on the experience of self-organization of the political opposition and civil society and non-standard working methods (Harutyunyan, 2014, p. 203). Moreover, the horizontal social support of information transmission and the culture of not responding to violence with violence made it possible to avoid provocations that would legitimize the use of force. With this step, the pressure of international opinion on the authorities was already ensured, so that violence would not be used against the peaceful demonstrators. If previously the gatherings took place mainly in one place (Freedom Square, Matenadaran, etc.), now a decentralized participation format was proposed. Thanks to network communication and information sharing, streets were quickly closed in different parts of different settlements. Through comments and likes on

social networks, information was constantly disseminated, public opinion exerted constant pressure on the central government, and so on. The features of civil activism and actions can be summarized in the following points:

1. The supremacy of peaceful disobedience to counter violence.
2. High level of self-organization.
3. Chain development of self-catalyzed aggregation.
4. Network-horizontal transfer of information.
5. Formation and operation of diverse centers in the logic of network operations.

Conclusion

This research showcases that the use of media technologies currently become more and more expanded and has wider impact on Armenia's social and political processes which is relevantly also considered by the Armenian government.

It is a fact that the liberal-democratic model of the communication system is characterized by the development of social communication institutions, which provides a greater opportunity to involve the public in the implementation of effective political communication.

Despite the established principles of sovereignty, democracy, and a social market economy in Armenia, the liberal-democratic communicative model has not yet been fully realized in our Republic. This gap suggests ongoing challenges in fostering a truly participatory political environment.

Before the Velvet Revolution, the role of the state in introducing and developing forms of political communication was paramount. Currently, in the conditions of rapid development of social networks, thanks to the development of network technologies in the field of political communication, wider segments of society participate in communication processes, from individuals, and small groups to organizations and parties.

Thus, we can conclude that the model of the state with a democratic, social, legal, free, competitive market economy and parliamentary governance is consistent with the liberal-democratic model of the communication system. In order to develop and finally approve it, the Republic of Armenia still has a lot to do in both the legal-legislative and practical-applied dimensions.

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THE MAIN CHALLENGES OF THE FUTURE EUROPEAN UNION ENLARGEMENT

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Abstract

The article explores the European Union (EU) enlargement process and the challenges it faces in the context of current geopolitical dynamics. It outlines the key features of the enlargement process, including the Copenhagen Criteria, phased negotiations, while also addressing the internal and external factors shaping EU expansion.

The article is focused on significant challenges such as internal disagreements among member states, democratic backsliding in candidate countries, and the impact of geopolitical tensions – particularly with Russia – on the EU's ability to extend its borders. As the EU navigates its role in stabilizing neighbouring regions and countering external influences, the complexity of integrating new members grows.

Keywords: European Union, enlargement, accession criteria, challenges, candidate countries, member states, democratic backsliding, geopolitical tensions.

EU Enlargement Process and Features

The process of European Union enlargement has been one of the most transformative elements in shaping modern Europe. Starting as a small economic community and growing into a powerful political and economic entity, the EU's expansions have broadened its borders, diversified its membership, and enhanced its global influence. The process involves the gradual inclusion of new member states that meet specific criteria and is governed by a set of principles and features. However, enlargement is not a straightforward process; it involves a complex interplay of political, economic, and legal factors that determine whether candidate countries can meet the requirements for membership.

The Treaty on the European Union (Maastricht Treaty)* states that any European country can apply for membership if it respects the EU's democratic values and undertakes to contribute to their development (Official Website of the European Commission, n.d. a).

The EU accession process (membership) generally consists of the following main stages:

1. When a country is ready, it becomes an official candidate for membership.
2. The candidate country enters formal accession negotiations, a process that involves the adopting of established EU law, preparing to apply it properly, and implementing the judicial, administrative, economic and other reforms necessary for the country to meet the accession conditions (Official Website of the European Commission. n.d. b)., known as the Copenhagen criteria. They are:
 - stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.
 - a functioning market economy and the ability to cope with competitive pressure and market forces within the EU.
 - the ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law, and adherence to the aims of political, economic and monetary union (EUR-Lex, 2021).

In the case of Western Balkans' countries, additional conditions for membership have been set, the so-called "Stabilization and Association Processes", which mainly refer to regional cooperation and good neighbourly relations (Official Website of the European Commission, n.d. a).

3. When the negotiations and accompanying reforms have been completed to the satisfaction of both sides, the country can join the EU (Official Website of the European Commission, n.d. b).

Negotiations for accession with a candidate country are initiated only after receiving the unanimous endorsement of all Member States from the European Council. Negotiations take place in intergovernmental conferences between the governments of the EU Member States and that of the candidate country. The purpose of these negotiations is to assist candidate countries in getting ready for EU membership. Once negotiations on all policy areas are concluded, and the EU determines that it is prepared for enlargement in terms of absorption capacity, the terms and conditions, along with potential safeguard clauses and transitional arrangements, are included in an accession treaty. The treaty requires the consent of the European Parliament and the

*See more in detail in Treaty on European Union. Maastricht. (1992).

unanimous approval of the Council before all EU Member States, and the candidate country can sign it. The contracting parties then proceed to ratify it in accordance with their respective constitutional rules (EUR-Lex, 2021b).

Enlargement policy is one of the most powerful tools of the EU, which has helped to increase its borders, creating a union of states with established democracies and developed economies. The union first added new members in 1973: the United Kingdom, Ireland, Denmark, and then Greece joined in 1981, followed by Spain and Portugal in 1986. On January 1, 1995, Austria, Finland, and Sweden joined the EU, bringing membership to 15 member states. 2004 was marked by the largest enlargement of the EU: Cyprus, Czech Republic, Hungary, Latvia, Lithuania, Estonia, Malta, Poland, Slovakia and Slovenia. The last three countries to join the Union were Bulgaria and Romania in 2007 and Croatia in 2013 (Archick & Garding, 2021, pp. 3-4). Currently, there are twenty-seven member states of the Union after the withdrawal of the United Kingdom in 2020.

As for candidate countries, there are currently nine countries that have been recognized as official candidates for EU membership and are at various stages of the accession process. These countries are Turkey (became a candidate country in December 1999), North Macedonia (became a candidate country in December 2005), Montenegro (became a candidate country in December 2010), Serbia (became a candidate country in December 2010), Albania (became a candidate country in June 2014), Ukraine (became a candidate country in June 2022), Moldova (became a candidate country in June 2022), Bosnia and Herzegovina (became a candidate country in December 2022), Georgia (became a candidate country in December 2023) (Official Website of the Council of the EU and the European Council, n.d.).

It is important to note that enlargement brings many benefits to the new member states, including political stability; freedom for citizens to live, study or work anywhere in the EU; increased trade via access to the single market; increased funding and investment; higher social, environmental, and consumer standards (Official Website of the European Union, n.d.). EU enlargement has been one of the world's most successful democratic state building projects. Even before they joined the EU, reforms in candidate countries transformed their economies and modernized public institutions, leading to impressive economic growth and greater prosperity. Close economic ties between old and new members boosted political stability and security for all. Each enlargement was a win-win for both old and new members. In December 2023, ten years after Croatia became the last country to join the EU, the European Council launched a new enlargement process to the east, initiating accession talks with Moldova and Ukraine and granting candidate status to Georgia. This move, even though prompted by geopolitical concerns over Russia's war in Ukraine,

has raised hopes that the EU is finally ready to take in new members once more (Shahini, 2024, p.1).

However, the journey to being a member is not easy at all. Accession is delayed by the complex interplay of political, economic or legal factors, as seen in the case for several Western Balkans' countries. Enlargement has effectively promoted democracy and growth in new member states, but every round of enlargement also raises questions about the EU's ability to absorb newcomers while not losing cohesion.

Challenges and Geopolitical Complexities in the EU Enlargement

In the 21st century, the challenges facing European Union enlargement have grown more complex, reflecting the shifting political, economic, and geopolitical landscape. While the EU's commitment to fostering stability, democracy, and prosperity through expansion remains strong, the path to enlargement is increasingly fraught with obstacles. Internal disagreements among member states, concerns over democratic backsliding in candidate countries have slowed the process of the future EU expansion. At the same time, geopolitical tensions – most notably with Russia – have added new layers of complexity, particularly in regions like the Western Balkans, Eastern Europe, and the South Caucasus.

As the European Union (EU) has expanded and deepened its cooperation, it has encountered a range of difficult questions that are central to its functioning and sustainability. These include how to balance the influence and interests of member states, how to share the benefits and costs of integration, and how to shape democracy at the supranational level. Therefore, the EU has faced many challenges and setbacks in trying to develop a regional integration that is effective and legitimate and that can withstand anti-European sentiments, crises (especially economic) and other similar processes (Cuyvers, 2017, p. 22).

The geopolitical dimension of enlargement policy became more pronounced in 2022, when Ukraine, Moldova and Georgia asked to join the EU. Since then, fresh geopolitical challenges have accelerated the need to reform enlargement policy and cemented a shift towards the merit-based integration of new countries (Stanicek et al., 2023).

Taking into account the important events that have taken place in recent years, such as granting candidate status to Ukraine and Moldova in June 2022, to Bosnia and Herzegovina in December 2022, and to Georgia in December 2023; the opening of accession negotiations and the first intergovernmental conference held with Albania and North Macedonia in July 2022, with Moldova and Ukraine in June 2024, which show that there is some progress in EU enlargement policy, however, a number of obstacles still remain.

EU Disunity on Enlargement Policy. One of the most pressing domestic challenges is the lack of consensus among current EU member states regarding the future enlargement. Russia's full-scale war on Ukraine has reenergised the enlargement debate. Most member states now see enlargement as a way to respond to the geopolitical reality and strengthen the EU in its immediate neighbourhood. However, while the geopolitical arguments in favour of enlargement are even stronger today than they were 20 years ago, the process is likely to face more obstacles than it did back then (Buras & Morina, 2023, p. 1).

According to conducted surveys in the framework of policymakers and political thinkers in all EU member states by the European Council on Foreign Relations' network of national researchers, enlargement is considered a way to respond to geopolitical changes. There is widespread agreement that enlargement would help the EU to assert itself as the dominant strategic player in its immediate neighbourhood, and a clear fear that a lack of EU integration could push candidate countries – particularly in the Western Balkans – into the Russian or Chinese sphere of influence. The geopolitical rationale for enlargement is shared by countries with different strategic cultures and security interests, such as France and Poland, Portugal and Slovakia, Sweden and the Czech Republic. Previously enlargement-sceptical countries, such as France, Sweden, Denmark, Belgium, or the Netherlands, have changed their approach. Speaking in Bratislava in May 2023, French president Emmanuel Macron, who in 2019 blocked the opening of accession talks with Albania and North Macedonia, stated that “the question is not whether we should enlarge ... but rather how we should do it”, adding that the EU should admit new countries “as swiftly as possible” (Buras & Morina, 2023, pp. 4-5).

However, the understanding of how to fulfill this geopolitical goal of enlargement varies across Europe. The most consequential dividing line runs between those who see EU enlargement as a security provider and a stabilizing tool for the EU and those who believe that ensuring security (through NATO membership) should be a precondition for EU enlargement. In Poland and the Baltic states, policy elites consider NATO enlargement, rather than future accessions to the EU, the geopolitical priority. The countries that are potentially most affected by security threats in the EU's eastern neighbourhood want to prioritise the enlargement of the transatlantic alliance, with accession to the EU as a next step. This was the order of accession that central and eastern European countries followed themselves: Poland, Hungary, and the Czech Republic joined NATO in 1999 and the EU five years later. Central and eastern member states believe that only NATO membership can guarantee security. For them, EU membership without NATO guarantees would not provide the new members with the level of security and stability

required for their integration process to be successful and could even pose risks for EU security (Buras & Morina, 2023, pp. 4-5).

Russia's invasion of Ukraine has indeed made EU enlargement a geopolitical imperative. But internal reforms may be needed before the union can integrate new members. Despite the push resulting from Russia's war in Ukraine, the union is in no position to take in further members from the Western Balkans, let alone from Eastern Europe. In a similar vein, no candidate country seems to be prepared to conform to the EU's accession criteria or indeed to make sure that no Hungary and Poland-style democratic backsliding will occur once membership is achieved. Montenegro, negotiating its accession since 2012, is probably in the best position to join. But it is difficult to envisage another Western Balkan nation making its way in – certainly not Serbia, which has to settle the Kosovo dispute first and undergo a process of radical re-democratization, which could be an even greater hurdle. A “geopolitical” enlargement to Ukraine is similarly unlikely so long as the war rages on (Dempsey, 2023).

Democratic Backsliding in Central and Eastern Europe and also Candidate Countries. In recent years, there has been a decline of democratic institutions and the rule of law in some member states and candidate countries. And though these developments have yet to have any tangible impact upon the process of policy decision-making within the EU, the issue remains and politicians continue to express their concerns (Gegeshidze, 2018, p. 15). Hungary and Poland were considered consolidated liberal democracies until the rise to power of Fidesz – Hungarian Civic Alliance and Law and Justice (PiS). Since then, both countries saw the largest drops in levels of democracy. Freedom House has registered a continuous decline in democratic indicators since 2010 in Hungary and 2015 in Poland. In 2020, the former was demoted to the status of “transitional or hybrid regime” and the latter to a “semi-consolidated democracy”. Of course, it is reasonable to assume that, had backsliding states not been EU members, deterioration would have been even more extensive (Holesch & Kyriazi, 2021, pp. 4-6).

However, the government of Hungary continues to display autocratic tendencies. After the European Commission (EC) halted the disbursement of EU funds allocated for Budapest in 2022 due to the erosion of the rule of law in Hungary, the government implemented a set of reform measures to address the commission's concerns. However, the reforms made no major changes to the political system. Hungary continued on an illiberal and authoritarian trajectory in 2023 and remained an entrenched hybrid regime (Végh, 2024).

As for Poland, national governance underwent a regime transition after eight years of single-party rule. During its eight years in power, PiS had solidified its grip over state institutions and resources. The most negatively

affected areas were the judiciary, local democratic governance, and the pluralism of civil society. The challenge currently facing democratic governance stems from the significant democratic backsliding observed during the PiS's two terms. The key institutions of the judicial system including the Constitutional Tribunal, the Supreme Court, and the National Council of the Judiciary, underwent reforms aimed at increasing the governing party's influence over them, often in ways that conflicted with the Polish constitution. The new coalition faces a delicate task in reforming these institutions to reverse the democratic backsliding (Bogusławski & Kolasieński, 2024).

Some candidate countries are also experiencing a decline in the level of democracy. The candidate status granted to Bosnia and Herzegovina by the European Union (EU) in December 2022 belied the lack of progress in democratic and economic reforms. Bosnian civil society worried throughout 2023 that the EU's decision could make it appear that Bosnia and Herzegovina's governing apparatus is genuinely trying to bring the country closer to the EU's standards. In reality, while all Bosnian political actors declare readiness for European integration, the necessary reforms are stalled by the same actors' inaction, obstruction, and active boycotts of politics (according to "Freedom House", the democracy score in Bosnia and Herzegovina decreased from 3.29 in 2022 to 3.18 in 2024). The EU announced 14 priorities for Bosnia and Herzegovina in 2019, but by December 2023 only one had been achieved (Anđelić, 2024).

Democratic backsliding is observed in Georgia as well. The candidate status granted to Georgia by the European Council in December 2023, which Georgia has been striving for since independence. According to Freedom House's 2024 annual report, the EU hopes to use the accession process to promote democratic reforms to bring Georgia into the European orbit. According to observers, Georgia has stopped progress in implementing the 12 priorities of the European Commission reforms. The EC's progress report proposed new steps for Georgia, such as fighting disinformation, defusing polarization and conducting credible elections. Judicial reforms are a key issue that Georgia must address to become an EU member. Despite some minor progress, Georgia needs to comprehensively reform its judicial system. The national-democratic governance in Georgia is formed in the conditions of deep political polarization, where the government is focused on maintaining managerial levers. Against the backdrop of weak opposition parties, civil society has remained a key political force. Although Georgia remains a leader in the South Caucasus region in the fighting against petty corruption, the perception of impunity regarding high-level corruption continues to be a serious challenge in the country (Freedom House, 2024).

Thus, in recent years, although Georgia's foreign policy has officially remained unchanged, aimed at European integration, the non-confrontation policy of the Georgian government towards Russia and its recent and "anti-Western" activities aimed at its international partners, have actually led to the increase of the influence of the Russian factor in the process of making foreign policy decisions of Georgia. In June, one month after the adoption of the controversial law "On Foreign Agents"* in Georgia EU Ambassador to Georgia, Pawel Herczynski announced that "regrettably, Georgia's EU accession process is stopped for now" ("EU NEIGHBOURS East", 2024).

Democratic backsliding in some member states and candidate countries makes the enlargement process even more complicated. It is clear that the priority for the EU in this case is the existence and preservation of democratic institutions and the rule of law in Central and Eastern Europe. As for the candidate countries, it is very important that they maintain the current democratization progress they made, otherwise it will further delay membership.

Geopolitical Tensions and Security Concerns. Geopolitical factors, particularly the influence and opposition of Russia, play a central role in hindering EU enlargement in regions like the Western Balkans and Eastern Europe. Russia's invasion of Ukraine has increased the role of a geopolitical factor in EU enlargement. Countries like Ukraine, Moldova, and Georgia, which were granted candidate status, are in conflict zones or regions of strategic interest for Russia, which perceives EU (also NATO) expansion as a threat to its sphere of influence. Security concerns and the risk of conflict spreading from Russia remain serious challenges to further integration.

The security situation in Ukraine may remain precarious for some time to come, given the contested territories occupied or already illegally annexed by Russia. Similarly, neither Georgia (the breakaway territories of Abkhazia and South Ossetia) nor Moldova (Transnistria) exercises control over the entire national territory with which they are aiming to join the EU (Lippert, 2024, p. 5).

In South-Eastern Europe, there are still unresolved conflicts over external borders, territories and ethnic affiliations within and between (potential) candidate countries. The EU is popular for bilateral disputes between its members and candidates blocking the enlargement process. In the face of such frictions, which contain the potential for violent escalations and incidents, the Western Balkans remains a region of instability and a fragile peace. The EU, along with NATO, the United States and the United Nations, will have to ensure over the long term that the situation continues to be under control – for

*See more in detail in Reuters. (2024).

this reason, there are the Kosovo Force (KFOR) troops on the border between Kosovo and Serbia and the European Union Force in Bosnia-Herzegovina (EUFOR) (Lippert, 2024, p. 5).

What path these countries take will be largely determined by developments beyond their control – in particular, the course of the war in Ukraine and complex intra-EU discussions about the future of the European project. If Russia is even partly successful in its war of aggression in Ukraine, destabilization or military action against its other neighbours cannot be ruled out. Conversely, Ukrainian military success against Russia and an accelerated path toward EU accession for Ukraine increases the European prospects of other states (De Waal et al., 2024).

The states of the Western Balkans are surrounded by EU countries, which necessarily limit Russia's political ambitions there – even as disillusionment with the EU over the slow pace of enlargement gives Russia leverage. The same cannot be said for Moldova, less still for Georgia. Georgia's border with Russia and three-decade-long conflicts over Abkhazia and South Ossetia, recognized as independent by Moscow in 2008, make it vulnerable to any shifts in Russia's war with Ukraine. It is likely this sense of vulnerability that drives the Georgian Dream government's soft rapprochement with Russia on many issues since 2022 (De Waal et al., 2024).

When it comes to Moldova, its two neighbours, by contrast, are Romania – a friendly EU country – and Ukraine, a fellow candidate for joining the union. The support of both neighbours has allowed Moldova to make the EU rather than Russia its main gas supplier since 2022, and to begin accession negotiations with Brussels without suffering (so far) a major backlash from Russia (De Waal et al., 2024).

In addition to the war in Ukraine, the medium-term future of these countries will be determined by three other geopolitical factors in which the EU and Russia will play a role: the countries' domestic security concerns, the choices and decisions made by political leaders, and how successfully and rapidly the EU's revamped enlargement policy proceeds (De Waal et al., 2024).

Of course, the war has brought enlargement high up on the EU's agenda. However, the process of enlargement involves multiple points where member states can veto and is time-consuming, there will be continuous negotiations between EU members with different preferences on the speed and feasibility of enlargement. It is nearly impossible to state a firm deadline for complex processes such as enlargement. On the other hand, if this were not done, that would increase the risk of a standstill. The year 2030 as a target year for the completion of a big enlargement wave, including Ukraine, has been suggested by Charles Michel, among others, and appears reasonable since it would both lower and increase expectations. The impact of enlargement on the EU should

not be underestimated. It would raise the EU's population to approximately 506 million inhabitants and expand the labor force by 28 million people. The EU would be larger but, in economic terms, poorer. The EU centre of gravity would move in the direction of the Black Sea, with EU member states to the West, North and East of this area. The inclusion of the Western Balkans would further increase the number of small-sized states in the EU, which could complicate decision-making. In addition, the enlargement to Georgia, which lacks direct borders with other single-market countries, would also generate practical problems (Braun et al., 2024, p. 2).

The challenges facing EU enlargement in the 21st century are more intricate than ever, influenced by a rapidly changing geopolitical landscape. While the EU remains committed to fostering stability, democracy, and prosperity through expansion, the path forward is increasingly obstructed by internal disunity, democratic backsliding in candidate nations, and rising geopolitical tensions, particularly with Russia.

The situation is further complicated by the persistent democratic backsliding observed in both member states like Hungary and Poland, as well as in candidate countries such as Georgia and Bosnia and Herzegovina. Reports from Freedom House indicate a concerning decline in democratic institutions, which could hinder not only the enlargement process but also the internal cohesion of the EU itself.

The road to EU enlargement is laden with obstacles that necessitate a comprehensive approach to address both the internal and external challenges facing the Union.

Conclusion

The European Union's enlargement process in the 21st century faces a multifaceted set of challenges shaped by both internal disagreements and external geopolitical pressures. While the expansion of the EU is viewed as a vital strategy for promoting stability and democracy, the road ahead is fraught with obstacles. The resurgence of geopolitical tensions, particularly with Russia, has added urgency but also complexity to the enlargement debate. Democratic backsliding in both some member and some candidate countries complicates the integration process further, raising critical questions about the EU's capacity to foster democratic resilience.

In regions like the Western Balkans, Eastern Europe, and the South Caucasus, security concerns and ongoing conflicts impede accession prospects. Although recent events, such as Ukraine, Moldova, and Georgia's candidate status, signal progress, substantial reforms are still needed both within the EU and in candidate countries to ensure a merit-based and sustainable enlargement. The road to EU membership remains long, with

internal EU reforms, geopolitical dynamics, and the stability of democratic institutions being crucial determinants of success. Ultimately, the EU's enlargement strategy will not only shape its future but also the broader stability of Europe.

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LEGAL STUDIES

THE PROBLEM OF TYPOLOGY OF STATES AND LEGAL SYSTEMS

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Abstract

The essence of the historical types of the state and law is one of the most important and crucial historical moments, without which it is not possible to correctly understand the development of their essence, their socio-political content and significance, their form, activity, or the change of their place and role in the political system of society.

Keywords: state, law, historical type, typology, society, legal system, political system.

The study of state and law requires a different approach to the material (Leger, 2010, pp. 2-3). Many theoretical and practical varieties provide not only completely clear definition “in general” of what features and traits they have as social institutions, but also how they differ from other social institutions, how the state and law were defined at different stages of society’s development, how they were as state-legal institutions at different stages of society’s development and, finally, how they represent modern technologies.

The answer to these and many other similar questions, for both us and any researcher, leads to the conclusion that it is necessary to distinguish the existing and future types or classifications of the state and law from the whole of the state and legal systems.

According to the opinion formed in the legal, philosophical and sociological literature, the typology or classification of state and legal systems is an objectively necessary, regular process of recognizing the natural-historical development of the state and law, as the replacement of one type of state and law with another is historically inevitable process reflection.

Typologies are one of an important forms or means of knowing the historical process of the development of the state and law.

The most important feature of the law of the state, as well as any other social phenomenon, or the process of historical development of society, is its naturalness (objectivity), universal nature, continuity, which is accompanied by the emergence of certain stages of development, and they're strictly defined interdependence and sequenced (Zweiger & Ketz, 2000, pp. 29-30).

The acknowledgment of the typology of historical processes, executive and legislative systems is crucial.

Regarding the latter, which quite logically and inevitably implies the existence of different stages and historical indicators of the development of the state and law, it is necessary to especially emphasize that not only they don't mean the recognition of a certain separation in the history of mankind, but, on the contrary, they assume in every way that the development of human society, and along with it, the development of the state and law, is a continuous, extended, objectively conditioned natural historical process. Referring to this process, it is necessary to note that while the rules and regulations of peoples and their coexistence have changed, the path of historical development, as a rule, has not changed, peoples and generations have been connected by rings, and civilizations have followed each other consistently. Gradually, this process has accumulated a well-known body of cultural, including legal, knowledge.

The development process of human society, the state and the law is not only an objective process but also a subjective one. This observation refers to the society, the state and the law along with their entire historical process, as well as to their own causes, separate stages of development. Because what is often called human, and otherwise subjective factor, has a direct connection, first of all, not with the abstract process of state and law development, but with any, completely specific mechanism and legal system, of each distinct social class, human society, each specific state and with a person who have left a mark on the history of law development.

For example, describing the heroic campaigns and victories of Alexander the Great, and emphasizing the deep mark he left in the history of the development of the ancient society and the state, the famous Greek writer and historian Plutarch (approximately 45-127 BC) noted that his greatness and his influence on ancient civilization (the subjective factor) is expressed not only in the fact that in just one decade he created a powerful state, which not only had no equal before, but also created social, intellectual and other prerequisites for the further development of state-legal life and culture.

It was during this period that the Hellenic Age began, which was a combination of the historical, cultural and other traditions of the West and the

East. As Plutarch writes, the period of Alexander's reign became the era of flourishing for many arts and talents.

The subjective factor had a huge impact on the development of the state-legal and other spheres of society's life not only in the early period of the history of human development, but also in all its later stages (Safaryan, 1996).

Speaking in particular about the influence of Napoleon's rule on the development of the state and law of France and other countries, the famous French writer F. Chateaubriand wrote: "Bonaparte is great not only with his words, speeches and writings, but also with his love for freedom". He is great because he created a strong state, codes (which have been adopted by many countries), courts, and a powerful, efficient and intelligent system of administration, which we have not abandoned even today. These examples taken from the lives and activities of political and public figures of many countries, as well as different social strata, classes and groups, clearly testify that subjective factors, along with objective factors, have had and continue to have an impact on these two areas as well, the state and the law (Chistyakov, 1996, pp. 5-6).

It is neither temporary nor local phenomenon, but a continuous, comprehensive, global process. However, for the sake of truth, it should be noted that not all authors share this point of view. Famous philosopher K. Popper seeks, for example, to prove that "there is no single history of mankind, but rather many endless histories of the elements of human power related to the species". Popper believes that the universal legal history of mankind, if such existed, should be the history of all people (Popper, 1992, p. 312).

Neither domestic nor foreign authors share Popper's point of view. The opinion about the universality, continuity and globality of the historical process prevails, a process within which the process of development of the state and law takes place, and their standardization is carried out.

When solving the problem of the second typification, one cannot forget that the process of development of the state-legal substance is inextricably linked to the permanent development of the social essence, as well as the content and significance of the state and law, including the radical change of the basic principles of their organization and operation. For example, when one of the important principles of the serfdom-based state and legal system was the principle of private property, then as one of the main principles of the capitalist state and legal system, the formal-legal principle of equality of all citizens before the law is already appearing. One of the important principles of the feudal state and legal system was the principle of vassal subordination.

And thirdly, it is important to take into account that the process of transition of state and law from one level to another is organically combined, contains

elements of continuity, evolutionary development of state-legal phenomena along with their qualitative and quantitative elements.

The evolutionary (gradual) development of the state and law, which appears in the form of a gradual accumulation of quantitative and qualitative changes in them, and the revolutionary development, which represents a rapid, qualitative change of state-legal phenomena, is expressed as their two interconnected, organically harmonious, complementary sides of the natural-historical process.

The evolutionary development of the state and law takes place, according to the opinion formed in the scientific literature, basically within the framework of the same type of given phenomena, within the limits of the same socio-economic formation. The revolutionary development of the state and law leads to a quick and, along with it, a different, radical change in their socio-class nature, the content of the state and law, and another type of transformation of one socio-economic formation to another.

It should be noted that neither scientific nor social-political practice has the same perception of “evolution” and “revolution”. In Western legal and sociological literature, revolution is traditionally associated only with “rapid, unexpected changes in the social structure or its most important parts”. Moreover, it is emphasized that its forms depend on the “volumes and speed of changes” and that revolutions “may or may not be accompanied by disturbances and temporary disintegration of public life” (Dictionary of Sociology and Related Sciences, 1988, p. 259).

At the same time, in domestic literature the revolution is combined not only with rapid but also the fastest qualitative changes and development, not only in natural phenomena, society, or the process of cognition. Special attention is paid to the fact that the revolution appears “as a break in sequence, qualitative leaps” and it differs from evolution and reform.

Evolution (gradual development), in contrast to revolution, is necessarily viewed as slow, time-extended process of qualitative changes that occur in society, the state, law, and the environment. It is a process of change, in which each subsequent stage of development is organically connected to the previous one, in which growth or development is combined with continuity and deep sequence.

In state-legal theory and political practice, the differences between the state and the revolutionary and evolutionary branches of law are not always clearly demarcated. Moreover, it is often presented as revolutionary for political and ideological purposes. As a rule, this happens when they try to emphasize the special importance of this or that political, legal, socio-economic reforms taking place in any country.

In addition, the “revolution” representing the transformation of the state and law and the transition from one class to another, was often replaced by another phenomenon called “coup”. A coup means a transfer (seizure) of power from one part of the ruling class to another, from one group or faction of the political electorate to another in an unconstitutional, often violent manner.

A coup, regardless of its name (military, state, parliamentary, etc.), does not lead to a direct change in the type of state. It does not touch the deep and essential layers of the entire state body.

The coup is followed by partial changes in the state’s mechanism and its functions. For example, changes related to state administration, political or state regime, domestic and foreign political trends are taken into account.

In legal and particularly political science literature, an opinion has been formed for a long time that, regardless of the peculiarities of its existence and activity, the state and law take a historically formed path of development, from the slave type to the socialist one. Between these types of state and law are the feudal and capitalist types, respectively.

There are claims that the process of development of the state takes place in an upward direction and by nature it is an irreversible process. However, state-legal practice does not fully confirm this provision. That provision is fully confirmed only by the first part, where we are talking about the general trend of the state’s development in an upward direction. However, this is only partially done in the second part.

The progressive development of the state (on an upward line) is expressed in the fact that the democratic principles of its organization and activity are strengthened, its social foundations are expanded, and the range of rights and freedoms granted to its subjects and citizens, increases to the extent of the transformation of the state from one type or essential characteristic to another. (Syrykh, 2004, pp. 622-623). Other circumstances testify to the progressive development of the state: the improvement of the state mechanisms, the expansion of the constitutional and legal bases of its activity, the improvement of the mechanism of interdependence and interaction between the state, society, and other socio-economic institutions.

As for the irreversibility of the development process of the state and law, and the sequence of changes in their types, the following should be said here: undoubtedly, the scientists are correct who claim that just as one cannot stop the natural-historical development of society, along with it, the state and law, as one cannot prevent their transition from a lower level to a higher one, from one type to another, because it is an objectively conditioned, determined process, so one cannot reverse history and go back from the successive stages of development of the state and law to their predecessors.

The same theoretical statement regarding the irreversibility of the development process of society, the state and law is not subject to any doubt. Its truth has been repeatedly confirmed by life, social and state-legal experience.

However, this provision cannot be made absolute, as the objective, deterministic nature of the development of society, the state, and the law is not equivalent to the fatal, predetermined nature in everything. As is well known, in the development process of human society, along with it, the state and law, there is not only necessity, but also historical contingency, which in some specific cases can lead to a reverse movement, a slowing down, regression of the progressive development of the state and law in a given country. Fascism gives several such examples, the establishment and existence of which in any country is inevitably connected with the slowing down of the process of progressive development of the state and law in the given country, stagnation of state-legal life, relative backward movement. The inadmissibility of the absolute inadmissibility of the process of development of the state and law is also confirmed by the fact that in recent years, after the collapse of a number of previously declared socialist “communisms”, there appeared a transition from “socialist” to “communist” rather than the state-legal mechanism. Development, that should have resulted from the irreversibility of the process, but the quite opposite took place.

This is confirmed not only by the theoretical boundaries and statements of government leaders during the wave of “reconstruction” about the need to go the opposite way from “socialism to capitalism”, but also by the experience of state-legal and economic construction in that country.

It has been and remains all that, instead of searching for future, new state-legal and economic systems corresponding to the time, lightly appeals to the irreversible past, the fictitious “socialist development” to the transition to wild capitalism, which has long since disappeared from the stage of history.

It is worth noting that Armenia, as well as other Eastern European economic countries, have similar “future-past” views of the socio-political state-legal order shared by all theoreticians and practical scientists.

It should be noted that the state constitutional process has taken place in Eastern Europe, or is it a “post-socialist, but a co-socialist region”, “can overcome current problems?” To practically implement new state-legal ideas corresponding to the spirit of the time. And the efforts of mechanical introduction of Western experience, institutions and normative-legal acts, as a rule, have a very painful end to the socialist versions that were announced at first, and then at one time renounced their ideology (Khotin, 1996).

In the light of what has been said, it is particularly difficult to disagree with the Belgian professor K. Malfliet’s opinion is that it is often the western

legislation and simply cannot “social-economic realities of Russia” to all the demands of democracy and a developed market economy, an ideal post-communist legal solution is not always presented (Malfliet, 1994, pp. 86-87).

Speaking about the content and significance of the typology of state and law, it is necessary to note that it is a fictitious reality separated from life and reality. In the process of its implementation, scientists rely on the vast factual material accumulated by various legal and non-legal sciences, in particular, the state and law, political science, sociology, constitutional law, etc.

Based on the study and generalization of this material, the existing objective connections between the state and the law on the one hand, as well as between the economic and social structure of society on the other hand, are defined and revealed.

Conclusion

In accordance with the different levels of development of the economy and society, taking into account the patterns of their economic development and activity, the appropriate levels of development or the type of state and law, as well as the patterns of their existence and activity, are defined. A close connection and interdependence exist between the types and development patterns of economy and society on the one hand, and state and law on the other. However, there is no rigid, direct connection and correlation between them. The regularities of development and the escalation of state and law from one type to another generally corresponding to the transformation of development patterns and economic base and society into different types, along with it, have their own peculiarities, their relative independence.

What is the social meaning and significance of the typology process of the state and legal systems? The practical importance of typology, both in theory and in political practice, is as follows. First, in the fact that the developed ideas about the typology of the state and law provide the key to the correct understanding the role of the discussed phenomenon and the natural-historical development process of qualitative transition from one level to another. Second, in the fact that typology equips the researcher with an understanding of the internal logic and patterns of the historical development process of the state and law, it acts as a basis for scientific forecasting of the state and law of Armenia as well as other countries. Third, in the fact that the process of typology of the state and legal systems allows to organically combine the research of general patterns of phenomena unique to all types of states and rights of state-legal development, without exception, with peculiarities specific only to some states and rights, with the natural state and law, the whole process of historical development with its separate parts, the process of development of specific historical events. Fourth, in the fact that in the process

of typifying the state and legal systems, all the necessary prerequisites and opportunities are created for the wide generalization, coordination and analysis of all factual and scientific material, material that refers to the entire process of the origin and development of society, the state and law, to all sides of their transition from one degree to another consistently. Finally, fifth, in the fact that the process of typification of the state and legal systems creates an objective basis for the scientific penetration of the deeper layers of the natural-historical development process of the state and law, allows special distinctions to be made between scientific and pseudo-scientific state-legal theories. It is an opportunity to carry out state-legal construction in different countries with a strictly scientific life, based on proven experience.

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JUDICIAL REVIEW OF ADMINISTRATIVE REGULATIONS: CONSTITUTIONAL JUSTICE VS ADMINISTRATIVE JUSTICE

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Abstract

The main purpose of the article is to discuss two forms of judicial control over administrative regulation (constitutional and administrative justice) and identify the problems related to the distribution of functions between them.

The core of the research is the theoretical characterization of judicial review of administrative regulations and examination of Armenian practice. In particular, the article explains the essence and the features of administrative regulations and, on this basis, attempts to provide a scientifically grounded answer to the question of how their legality should be verified.

As a result of the research, the author's approach to the separation of the mechanisms of constitutional and administrative justice during judicial control over administrative regulations is presented. It is stated that the legality of administrative regulations can be verified within the framework of constitutional justice only in case the protection of human rights has not been ensured by the mechanisms of administrative one. This includes cases where legality of administrative regulations is discussed regarding their compliance with constitutional requirements.

Keywords: administrative regulations, judicial review, constitutional justice, administrative justice, jurisdiction, executive power.

Introduction

Judicial protection from public authority implies the right to appeal any acts and actions of state and local government agencies. This constitutional right is being implemented through the constitutional and administrative justice systems, which provide for procedures against legislative and executive authorities.

There are various models of judicial protection against the public authorities' activities throughout the world. They can be divided into two large

groups: American and European.* In the American model, constitutional and administrative justice is usually carried out by courts of general jurisdiction in civil and criminal cases (with the exception of special bodies, who carry out activities specific to administrative justice in some areas). The European model generally entrusts the review of the public authorities' activities to specialized constitutional and administrative courts.

In this dual institutional system (specialized constitutional and administrative courts operate simultaneously), which is often found in the European model, the problem of correctly determining their jurisdiction often arises. If there is no disagreement regarding judicial control over legislative acts adopted by parliament (if a specialized Constitutional Court operates in a given country, the latter is authorized to verify the legality of legislative acts), the issue of reviewing executive authorities' acts always arouses scientific and practical interest.

Judicial control over administrative regulations** means that a judicial body should check its compliance with norms of higher legal force. Considering that the constitutional and legislative norms have a higher legal force than the administrative regulations, the question arises whether the judicial control of the administrative regulations includes the function of checking their compliance with the constitution or legislative acts.

To solve the problem raised, it is necessary to discuss the nature of the administrative regulations, which will eventually lead to an adequate understanding of judicial control over them. This becomes especially important for achieving a correct distribution of judicial control in legal systems with specialized constitutional courts.

Administrative Regulations

Basic provisions. The constitutional principles of rule of law and separation of powers require that laws should be adopted exclusively by parliament. This rule applies to any legal abstract commandment of regulatory (normative) nature.

However, the principle of separation of powers cannot be absolutized. In practice, there are some cases when executive authorities are in due to regulate abstract relations to effectively implement the provisions of law within their competence. At the same time, this does not mean that government usurps the power of the legislator. While applying legislative provisions executive power

* For a general view of this contrast between two models, see Favoreu, L. (1989).

** The term "administrative regulation" in this article refers to all the executive bodies' acts of individual and normative nature.

adopts administrative regulations (often called delegated legislation)* to reveal some aspects of the applicable law. Speaking figuratively, administrative regulations play the role of a “bridge” between legislative and individual acts (Tovmasyan et al., 2011, p. 285).

Administrative regulation is delegated by parliament and is secondary in comparison with legislative acts and cannot go beyond their scope (Daab, 2009). As the US Supreme Court has stated, in accordance with the principle of separation of powers, the legislator develops basic policies and standards, leaving the administrative authorities with the function of improving them, filling in gaps or applying these standards in specific cases (US Supreme Court, 1980). The German Federal Constitutional Court expressed the same approach, stating that essential issues should be regulated by acts of Parliament (Voßkuhle, 2007). The European Court of Justice, in turn, similarly describes the distribution of powers between the legislative and executive bodies of the European Union, reserving for the latter the right to establish regulatory provisions of an executive nature only (Haibach, 1997).

However, in specific situations it can be extremely difficult to draw the line that prohibits the executive power to exercise its regulatory function. The separation of power requires that there must be some compulsory basic rules adopted by legislator, meanwhile the executive power is enabled to regulate only issues that are related to the implementation of law (for instance, fills in gaps, solves technical problems, etc). But this is not enough to limit executive power’s scope of competence. Administrative rules can sometimes significantly affect the subject of the law, since the material and substantive part of the law depends on the way the law is implemented (Puto, 2016).

If in the 19th century the US Supreme Court demonstrated a strict approach to granting law-making power to the executive branch, considering that the delegation of legislative power by the Parliament contradicts the US Constitution (*non-delegation doctrine*), in the 20th century it became more and more soft. Firstly, the court recognized that the Parliament could delegate law-making power to the President if the latter has no discretion. Then, the only restriction was that the Parliament could not delegate essential legislative functions (*relative-delegation doctrine*) (Schutze, 2011).

Changes in the approach of the US Supreme Court were the result of the fact that the latter recognized the absoluteness of the non-delegation doctrine, which has little to do with reality (Gellhorn & Byse, 1974). As a result, the US Supreme Court has recognized that “in (...) increasingly complex society, replete with ever changing and more technical problems, Congress simply

* So called “sub-legislative normative act” in Armenian practice.

cannot do its job absent an ability to delegate power under broad general directives (US Supreme Court, 1989).

The Armenian practice. After the amendments in 2005 the Constitution of the Republic of Armenia started to exhaustively list issues that can be regulated exclusively by legislative act. Thus, the Constitution did not provide for the authority of the executive power to regulate issues related to *inter alia* the conditions and procedure for the application, protection and restrictions of individual rights, freedoms and obligations.

The Constitutional Court of the Republic of Armenia, considering the shares of pension funds as personal property of participants, stated that there is a problem of establishing the conditions and procedure for exercising and protecting the rights of citizens and qualified the government's authority to establish quantitative and currency restrictions as well as the procedure and conditions for disposing and managing the guarantee fund as violation of Article 83.5 of the Constitution (Deputies of the National Assembly v National Assembly, 2014).

However, it is difficult to imagine, how the legislator is going to be capable of considering and regulating all the conditions and procedures for the implementation and protection of the rights and freedoms of individuals and legal entities, including restrictions on their rights, freedoms and obligations in practice? After all, each issue affects (directly or indirectly) the legal status of individual, the scope of his/her rights and obligations. At the same time, the Constitutional Court of RA emphasized that Article 83.5 of the Constitution refers to all the rights and obligations of individuals (Deputies of the National Assembly v National Assembly, 2014).

Strict approach, enshrined in Article 83.5 of the Constitution of the Republic of Armenia, was criticized during the discussions on the draft of constitutional reforms in 2015. Experts involved in the process of constitutional reforms, in particular, noted: *“As a result of the provision on the establishment of the procedure for the exercise of rights exclusively by legislative act, the executive power turns into just an executive body, deprived of the opportunity to regulate through by-laws current relations that arise constantly and require the most prompt intervention. Moreover, such legal regulation is unrealistic, since the completely legitimate duration of the normal stages of legislative activity simply does not allow it and, in fact, one should not expect parliament to adopt laws at such a speed and on such a scale”* (Danielyan et al., 2015, p. 142).

It is not surprising that after the constitutional changes of 2015, the extremist provision enshrined in Article 83.5 of the Constitution of the Republic of Armenia was excluded from the Basic Law. Instead, the Constitution requires that many fundamental rights can be limited only by

legislative acts.* In addition, Article 79 of the Constitution enshrines the principle of certainty, which requires that, when restricting fundamental rights and freedoms, laws should be formulated clearly to give one an opportunity to predict legal consequences. The Constitutional Court also stated that the restriction of any fundamental right is possible only by legislative act (President v National Assembly, 2020; Human Rights Defender v National Assembly and Government, 2021).

This leads to two important conclusions: firstly, it is impossible to reasonably deny the fact that the legislature cannot solely regulate all legal relations in all details; secondly, it is not effective to leave all the regulations on parliament, since a number of issues can be resolved faster and more professionally at the executive level because specialized administrative bodies are more familiar with the details of a specific case.

At the same time, it is important to determinate the range of functions that cannot be transferred to the executive power. The Constitution of the Republic of Armenia seems to have shown a principled approach to this issue, prohibiting the legislator to delegate the authority to restrict fundamental human rights. This also follows from the rule of law criterion that is firmly established in the case law of the European Court of Human Rights. According to it, fundamental human rights can only be limited by law (Greer, 1997).**

At the same time, the Parliament has a wide discretion in delegating other (than fundamental rights restriction) issues to the executive power. However, this discretion cannot be applied arbitrarily. When delegating an authority to regulate any public relation to the Government, the Parliament should take into account that decisions made by the Government imply less amount of political consensus. It means that in case the question is sensitive enough and requires the participation of the political opposition, the legislator must not delegate it to the executive power, thus avoiding the corresponding political responsibility.

* The right to physical and mental integrity (article 25), personal freedom (article 27), the right to inviolability of private and family life (article 31), the right to inviolability of the home (article 32), freedom of communication and confidentiality (article 33), the right to get acquainted with personal data (article 34), freedom to marry (article 35), deprivation or restriction of parental rights (article 36), right to free movement (article 40), expression of freedom of conscience and religion (article 41), freedom of expression (article 42), freedom of assembly (article 44), freedom of association (article 45), the right to receive information (article 51), the right to strike (article 58), the right to property (article 60) may be restricted only by legislative act.

** The case law of the European Court of Human Rights does not limit the term “law” only to parliamentary act, however, the criteria of “law” is so strict that it can mainly be satisfied as a result of the legislative activity of parliament.

Judicial Review

Basic provisions. Judicial control over administrative regulations means that a judicial body must verify its compliance with the norms of higher legal force.

On the one hand, the verification of the constitutionality of the parliamentary act (and not of the government's decision) is a constitutional court's competency. This approach comes from the basic idea that it is the government that implements the law, so the possible unconstitutionality can occur to the legislative act, and not to the administrative regulations related to its implementation (Chelaru, 2017).

On the other hand, the substantive solution of the issue regulated by the administrative regulation may be legally completely left to the executive power. In that case, according to the Russian Constitutional Court, the provisions of the administrative regulations can become the subject of constitutional control in case they form a normative unity with the legislative act, that is, the administrative regulation is authorized by the legislative act that does not provide substantive regulation to a specific issue (Belov, 2014). German Federal Constitutional Court also has a jurisdiction over administrative actions in the narrow sense (Rupp, 1969). Everyone may lodge a constitutional complaint on the assertion that his or her fundamental rights have been directly infringed by an act of public authority, including a measure of an administrative body (Baer, 2014).

The Armenian practice. Article 135 of the Administrative Procedure Code of RA adopted in 2007 prescribed the judicial control over administrative regulations as follows: the Administrative Court of the Republic of Armenia had jurisdiction over cases concerning lawfulness of all the administrative regulations but at the same time it included verifying the constitutionality of regulations adopted by all departments, excluding the President, the Government, the Prime Minister and the local self-government bodies (administrative regulations adopted by these bodies could be reviewed by the Administrative Court only in terms of verifying compliance with normative acts with a higher legal force, besides the Constitution).

The Constitutional Court of the Republic of Armenia criticized this approach on the grounds that the Constitutional Court has the authority to ensure the supremacy and direct effect of the Constitution in the Armenian legal system through constitutional justice and the existing confusion of administrative and constitutional justice can create different approaches to the interpretation of constitutional norms, which seriously threatens the supremacy and direct effect of the Constitution and the implementation of a unified policy of constitutionalization of public relations (Shmavonyan v National Assembly, 2008).

As a result, the new Administrative Procedure Code adopted in 2013 (valid until today) did not provide the Administrative Court the authority to review any administrative regulation in terms of verifying compliance with the Constitution. The Administrative Court preserved the power to check validity of administrative regulations only in terms of compliance with the normative acts with a higher legal force, besides the Constitution. At the same time, after constitutional reforms of 2015, the authority to determine the compliance of administrative regulations with the Constitution has been assigned to the Constitutional Court.

The question that validity of administrative regulation is related to its compliance with the legislative act, but not the constitution, has not been solved by constitutional and legislative reforms. If the legislative act authorizes the executive power to regulate public relations at the administrative level, its compliance with the legislative act should be verified by the court. If the administrative regulation was adopted in the absence of the authority defined by the law, it means that the administrative body simply went beyond the limits of its jurisdiction (*ultra vires*). If the court recognizes that the administrative body was not authorized to adopt the relevant regulation, it does not mean that by stating this, the court starts to act as a constitutional court.

The approach of the Constitutional Court of the Russian Federation is also not sufficient. The fact that an administrative regulation forms a normative unity with the legislative act when the issue under consideration is not substantially regulated by the latter does not necessarily bring to verifying the validity of administrative regulation within the framework of constitutional justice. In this case, the court checks the compliance of the administrative regulation with the principles and criteria established by law, and finds out whether the administrative regulation violates the applicant's rights. Although human rights are mostly enshrined in the Constitution, it is not a constitutional justice to decide whether they have been violated. Administrative court's task is to establish if the appealed act (whether normative or individual) violates the applicant's rights. Part 1 of Article 192 of the Administrative Procedure Act of the Republic of Armenia explicitly establishes that individuals and private law organizations can appeal administrative regulations only if they justify the violation of their constitutional rights.

It is a misconception to suppose that the application of any constitutional norm presupposes constitutional justice to be held which brings to defining the process of determining the compliance of administrative regulations with the Constitution as constitutional justice. Administrative courts also should have a power to refer to constitutional norms when carrying out administrative justice. Because in the end the final purpose of all the types of justices

(constitutional, administrative, criminal, civil) is to protect constitutional rights of private parties.

Constitutional justice, of course, can also include verifying the validity of administrative regulations (and not only of a normative nature).^{*} However, this should be, firstly, preceded by the framework of administrative procedures, carried out by the Administrative Court. The Constitutional court may discuss the compliance of administrative regulations with constitutional standards only in case the basic rights of people are not protected within the framework of administrative justice.^{**}

This position, which denies the possibility of discussing the issue of constitutional law within the framework of administrative justice, leaves the review of administrative regulations outside the competence of the Administrative Court. For instance, in one of the cases, the Administrative Court considered that the applicant was challenging the compliance of an administrative regulation with the Constitution for the reason that in the application was indicated that the disputed act violated applicant's right to property guaranteed by Article 31 of the Constitution (Torosyan v Government, 2021). Meanwhile, in order to justify his right to appeal to the court the applicant is obliged, under Article 194 of the Administrative Procedure Act, to indicate in the application his right, which, in his opinion, was violated by the contested act.

The study of the Constitutional Court's case law also demonstrates that the process of verifying compliance of administrative regulations with the Constitution is sometimes artificial and replaces the verifying compliance of administrative regulations with the legislative act.

The Constitutional Court of the Republic of Armenia, having stated that taxes and their constituent elements should be established exclusively by legislative act, recognized the provision of the Government's act as contrary to the Constitution, as it defined an integral part of income tax (Human Rights Defender v National Assembly and Government, 2018). However, in this case the Government's act should not be recognized as contradicting the Constitution. If the Tax Code authorized the Government to establish the elements that make up the content of the tax, the relevant provision of the Tax Code contradicts the Constitution, and if the latter has not given the Government such power, the executive body has exceeded its power (*ultra vires*). In the first case, the Constitutional Court invalidates the relevant

^{*} As it is in German practice. See more in detail in Baer, S. (2014).

^{**} For example, a constitutional complaint can be brought only after the exhaustion of judicial instances in German practice. See more in detail in Baer, S. (2014). The same approach is described in the Article 169 of the Constitution of RA.

provision of the Tax Code; and in the second one, the Administrative Court invalidates the Government's regulation.

In above mentioned case, the Constitutional Court emphasized that the Government was not authorized by the Tax Code to establish the elements of income tax. That is, the Government violated the relevant provision of the Tax Code and went beyond its jurisdiction. Therefore, the review of the Government's regulation is subject to the Administrative Court, not the Constitutional Court, until the Administrative Court protects the constitutional rights of the applicants. Throughout this case, the Human Rights Defender (Ombudsman) appealed directly to the Constitutional Court bypassing the Administrative Court. Although the Ombudsman has a right to appeal the Government's regulations of normative nature directly to the Constitutional Court by law, Article 3 of the Administrative Procedure Code provides the Ombudsman with a right to appeal the administrative regulations of normative nature to the Administrative Court. If the Ombudsman decides to enforce his/her right to apply directly to the Constitutional Court, a conflict of powers between the two courts occurs. It is notable that the Administrative Court declared the provisions of a similar content of another Government's regulation invalid (they were in force before the provisions disputed in the constitutional case), considering that the Government exceeded its power established by law (EL-IN-AR LLC v Government, 2020).

In a number of cases the Constitutional Court, having discussed the constitutionality of the Government's regulations of normative nature, considered, in particular, the following legal issues: whether the Government fulfilled the international obligations of the state within its competence (Human Rights Defender v National Assembly and Government, 2011); whether the Government lawfully applied the discretionary power granted by law (Human Rights Defender v Government, 2013); whether the Government did not regulate the issue that had to be resolved exclusively by a legislative act adopted by the National Assembly (Human Rights Defender v National Assembly and Government, 2017); was the interference with human rights by administrative regulations proportional (Human Rights Defender v National Assembly and Government, 2019) and not discriminatory (Administrative Court v Government, 2019); did the provisions of the administrative regulations correspond to the principle of legal certainty (Human Rights Defender v National Assembly and Government, 2021). In all these cases there is a question of compliance of administrative regulations with the principles and standards established by law or an international treaty. While the Administrative Court protects the constitutional rights of the private parties all of them are subject to administrative, not constitutional justice.

The Constitutional Court also recognizes that the review of the administrative regulations is mainly the subject of administrative justice. In one of such cases the Ombudsman appealed the Government's regulation on the ground that it violated the principle of independence of universities. The Constitutional Court stated that the case should be considered within the framework of administrative proceedings by verifying regulation's compliance with the normative acts of higher legal force. *“Obviously, in this case the Constitutional Court should be guided by the requirement of Article 5 of the Constitution of the Republic of Armenia and take into account that the issue of legality of the decision of the Government of the Republic of Armenia must firstly be challenged in the appropriate competent court within the framework of administrative justice”* (Human Rights Defender v National Assembly and Government, 2014, para. 4).

Conclusion

The confusion in distinguishing the Constitutional and Administrative Courts' jurisdiction appears due to the fact that, on the one hand, the Constitutional Court is empowered to review administrative regulations and, on the second hand, the Administrative Court has limited power to exercise judicial control over administrative regulations (the Administrative Court cannot verify the compliance of administrative regulations with the Constitution). The problem is also of a technical nature: to what extent is the revision of administrative regulations called by law complies with the Constitution and normative legal acts of higher force?

The problem raised by current constitutional norms can be solved by editing article 191 of the Administrative Procedure Code. This requires to change the provision, which authorizes the Administrative Court to consider cases challenging the compliance of administrative regulations of normative nature with normative legal acts of higher legal force (other than the Constitution) and adopt a provision that authorizes Administrative Court to review the legality of all the administrative regulations. As a result, the Administrative Court will be able to fully review administrative regulations by finding out whether they violate the constitutional rights or constitutional principles of the applicant, in particular. And the compliance of administrative regulations with the Constitution can still remain the subject to appeal in the Constitutional Court in case the applicant exhausts the lower judicial instances.

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