

Varazdin Development and Entrepreneurship Agency and University North
in cooperation with
University MB
Faculty of Management University of Warsaw
Faculty of Law, Economics and Social Sciences Sale - Mohammed V University in Rabat
ENCGT - Ecole Nationale de Commerce et de Gestion de Tanger - Abdelmalek Essaadi University
Polytechnic of Medimurje in Cakovec



Economic and Social Development

96th International Scientific Conference on Economic and Social Development –
"Era of Global Crises"

Book of Proceedings

Editors:

Milija Bogavac, Zivanka Miladinovic - Bogavac, Zeljka Marcinko Trkulja

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SOFT LAW INSTRUMENTS OF THE EUROPEAN UNION IN SHAPING INTERNAL SECURITY

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ABSTRACT

The European Union exercises its authority by enacting secondary law, which together with the founding treaties or primary law serve as the foundations the EU legal system. In addition to legislative acts, soft law norms or instruments like strategies, action plans, agendas, conclusions, resolutions, and guidelines aid in the formulation of some EU policies. The instruments adopted by the EU institutions are the focus of the research, which demonstrates how soft law norms can shape a very sensitive area like internal security, which is an essential component of one of the main goals of the Union, which is to create and provide citizens with a common area of freedom, security, and justice. More specifically, this paper analyzes several important soft law instruments adopted by the EU institutions for the area that represents the heart of the member states' national sovereignty. It will be shown that EU soft law instruments have a significant impact on shaping the internal security of the Union, as a support and incentive for the application of hard law acts, even though the former do not have full legal effect and legal obligation. This also have implications for maintaining the internal security of member states that are not highly enthusiastic about any EU intervention in this area.

Keywords: *Action plans, Cross-border operational police cooperation, Internal security, Soft law, Strategies*

1. INTRODUCTION

Normative creativity and regulation of European integration with norms that do not have legally binding force are the specificities of the legal order of the Union and the functioning of the institutions since its foundation. It seems that the authors of the founding treaties of the Union consciously set a flexible framework in the Union's law for the creation of extraordinary "creative practice" by the EU institutions, primarily the Commission and the Council, in shaping different domains and policies, from economic to political cooperation. Essentially, these are special rules of conduct and directions for common policies of the Union that are not contained in primary and secondary law but are instruments of soft and legally not quite strict regulation that free member states from the obsession with transferring national sovereignty and, from their perspective, the ubiquitous excessive legal regulation and domination of the Union. That particularity of theirs does not refer to the independent legal regulation of Union policies but has an auxiliary function in areas where member states and the EU share

competences and where the principle of subsidiarity represents the border of separating domains under the control of member states or the EU. Thus, the gradual development of soft law within the Union related to economic cooperation, social policy, employment policy and environmental protection since the entry into force of the Treaty of Amsterdam is expanding to internal affairs and internal security. Later, with the adoption of the Treaty of Lisbon, a wide range of institutional shaping of internal security and the entire area of freedom, security, and justice was created using soft law instruments. These instruments are the subject of research in this work, where after a general analysis of the legal basis and the development of soft decision-making in the Union, the second part of the work will be devoted to the newer soft law instruments of the Council and the Commission, which shape, supplement, encourage and improve the existing cooperation of the member states established with "hard law", i.e. legislative instruments of primary and secondary law.

2. SOFT LAW IN THE LEGAL ORDER OF THE EUROPEAN UNION

Without claiming to provide a precise, comprehensive definition of the role and place of soft law in the legal order of the EU, we can start from the international legal perspective, where the term "soft law" has been used for over 40 years. Soft law refers to a broad category of instruments that exist in a gray area between law and politics, embodying legal and political obligations (Kreća 2019, p.111). Soft law consists of non-binding norms of international law that are considered legally imperfect because they lack direct legal sanction, i.e., they do not determine the rights and obligations of subjects and have no binding legal force (Dimitrijevic et al. 2012, p. 58). Although not legally binding, these rules exert strong factual influence on states and the general opinion, tending to grow into hard law. Soft law is used to establish norms for individual sensitive areas that hard law cannot access instantly due to various reasons (political, moral, economic, psychological, social) (Avramovic 2011, p. 274). With soft law and a soft orientation of legal and political routes, the first step is made towards hard law. Despite the literature's emphasis on the non-binding nature of soft law, it is created with the expectation that factual obligation will evolve into legal obligation. Therefore, soft law serves the function of legitimizing the penetration of various external ideological and other influences. It opens the way for various international political and economic pressures that directly affect states' sovereignty (Avramović 2021, p.109). Different variations of soft law can be found in the formulation and implementation of EU policies. Soft law in EU law refers to rules of conduct that are established by institutions using instruments that do not have binding legal force, but have an indirect legal effect and practical impact in achieving specific policy goals (Senden 2004, cited in Seden and Brink 2012). This heterogeneous and hybrid phenomenon of EU soft law seeks to correct existing rules and establish new rules of conduct or policy direction that are not contained or implied in existing primary or secondary EU law. In fact, acts of soft law can be classified as tertiary sources of EU law (Đurđev 2013, p.106). They seek to bring about a certain change of behavior on the part of member states and other actors regarding the realization of certain legal or political goals, with no use of legally binding instruments. Soft law rules are manifested through various forms and ways, primarily through the use of Council instruments that are not provided for in treaties, such as conclusions, declarations, resolutions and codes of conduct. Declarations mainly aim to guide the future actions of the Union, while resolutions, codes, and more recently, conclusions, aim to foster closer cooperation or a coordinated approach among member states. For instance, the third chapter of this work presents police operational cooperation as an area where closer cooperation is established through such instruments. As for Commission, it exercises its executive powers not only through delegated and implementing acts, but also through various soft law instruments such as strategies, action plans, communications, notifications, guidelines, and codes. Strategies, action plans and communications are mentioned as instruments of soft law in the 'Better regulation'

toolbox from 2021 (European Commission 2021, p.388). Through soft law instruments, the Commission seeks to provide additional auxiliary rules and instructions to national authorities and interested parties on the interpretation, transposition and application of EU law, aiming at increasing transparency, legal certainty and correct and uniform interpretation of EU law. On the other hand, it is important to differentiate between preparatory and informative instruments, including white and green papers and certain communications and notices, which are difficult to classify as soft law instruments due to the absence of any reference to political, legal or administrative action and behavior (Seden and Brink 2012, p.12). The aforementioned normative activities of the Council and the Commission using soft law instruments do not only affect the national legislator responsible for transposing the EU law, but also the administrative bodies and national courts that must apply EU law (Seden and Brink 2012, p. 14). It can be said that from its inception until today, the Union has developed quite solid mechanisms for avoiding hard action, that is, mechanisms for integration by acting from the bottom up, precisely through the use of soft law instruments. The Treaty of Lisbon does not codify the long practice of using soft law instruments and does not define all its forms, leaving two soft law instruments that have always been part of the institutional framework of the Union and are often referred to in EU law theory as non-binding legal acts of secondary legislation. These are recommendations and opinions that are explicitly stated to have no binding legal force (Article 288 TFEU). For their application, there is a prescribed procedure that the Council must observe, first of all, when making recommendations. The Council acts on the basis of the proposal of the Commission when it is foreseen to adopt acts on the proposal of the Commission and decides unanimously when this is foreseen in the Treaty. This means that the Council must have a legal basis for its recommendations and applies the same procedure that is required for the adoption of a binding act of the Union (Article 292 TFEU). However, no similar requirement exists for the adoption of recommendations by the Commission. The choice of the type of act to be adopted is also related to the discretionary right of the institutions to choose the act in each individual case if the type of act is not determined by the contracts, in accordance with the procedures that are applied, as well as respecting the principle of proportionality. Legal acts contain explanations and refer to proposals, initiatives, recommendations, requests or opinions required by the Treaties (Article 296 TFEU). In addition to the contractual definition of the conditions for the adoption of legislation, the EU institutions have adopted a special inter-institutional agreement for better coordination in that procedure. The European Parliament, Council and the Commission concluded an Interinstitutional Agreement on Better Law-Making in 2016. The three institutions recognised their joint responsibility to deliver high-quality legislation:

- in areas where it has the greatest added value for European citizens and strengthen the competitiveness and sustainability of the Union's economy;
- which delivers the Union's policy objectives in the simplest, most efficient and effective way possible;
- which avoids overregulation and unnecessary administrative burdens for citizens, administrations and businesses and particularly SMEs; and
- which is designed to facilitate its transposition and practical application (European Commission 2021, p.8).

Regardless of the legal non-binding nature of EU soft law instruments, their scope and disputes over interpretation are an integral part of the judicial practice of the European Court of Justice. The Court has developed different jurisprudence, reviewing the general premise of whether soft law acts are generally admissible for determining their legality, first considering whether soft law instruments are designed to have external effect, general application, and some kind of obligation depending on their content. The jurisprudence indicates that soft law acts which do not result in some kind of binding legal effect, but only have factual implications, are not subject

to the annulment procedure by the Court of Justice. The Court also confirmed that giving a preliminary opinion includes acts of soft law, specifically recommendations that are not eligible for annulment, but they are subject to review of validity and interpretation in the previous procedure, like all acts of institutions without exceptions (Seden and Brink 2012, p.57).

3. SHAPING INTERNAL SECURITY WITH EU SOFT LAW INSTRUMENTS

Along with the previously mentioned grounds for the adoption of various soft law instruments by the EU institutions, there is another important reason for the area of freedom, security and justice, and therefore internal security as an integral part of it. The real basis for action in this area is reflected in the authorization of the Union „[...] to ensure a high level of security with measures to prevent and fight against crime, racism and xenophobia and measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as mutual recognition of judgments in criminal matters and, if necessary, approximation of criminal legislation (Article 67 (3) TFEU). In addition to legally binding legislative acts, the EU has long been developing and implementing non-legislative acts and other relevant measures to coordinate cooperation and support, i.e. soft law instruments in the field of internal security (European Commission 2020, p.3). Excluding the period of validity of the Maastricht Treaty, during which the legal obligation of joint positions and joint actions was unclear and appeared more like legal acts of soft law, the most productive period of using strategies, action plans, codes, guidelines, conclusions, and other soft law instruments by the EU institutions to shape internal security and internal affairs occurred after the entry into force of the Treaty of Amsterdam. During this period, the European Council, the Council, and the Commission seemed to be competing in their efforts to create the conditions for establishing and developing an area of freedom, security, and justice. From then until now, soft law instruments have remained an essential legal, political, and administrative corrective and support for the implementation of primary and secondary legislation of the Union in the legal systems of member states. The conclusions of the European Council, which cover a 15-year period and are also known as action programs, such as those from Tampere, The Hague, and Stockholm, are of immeasurable importance in this field. Between 1999 and 2015, they served as a par excellence indicator of the successful application of soft law in sensitive areas and turbulent periods, which led to changes in the legal and political vision of member states and EU institutions regarding joint security solutions. These conclusions were ambitious five-year action programs that resulted in many far-reaching acts of secondary legislation in the field of internal affairs, particularly criminal justice cooperation. Without the enthusiasm of the European Council and the collaboration among the member states and the usual triangle of the Commission, the Council, and the European Parliament, it would have been difficult to accept these acts. Today, the initiative and action in the field of internal security through soft law instruments are in the hands of the Council and the Commission as institutions deeply involved in the formulation and adoption of a significant number of codes, recommendations, conclusions, strategies and action plans in the last three years. In this chapter we will briefly refer to some of the most significant of them. Each of these instruments contains a legal basis for adoption and a list of goals and actions that should support, improve and contribute to a more efficient application of the existing legislation.

3.1. Conclusions of the Council for Internal Security and European Police Partnership 2020-2025

The first of the recent soft law acts aimed at shaping the internal security of the Union is a set of conclusions that include two significant and related areas. The Council's conclusions therefore consist of two documents: Council's conclusions on internal security and European police partnership and Council's conclusions on improving cross-border cooperation in law

enforcement (Council of the European Union document 2020). In the framework of the first document, the Council defines milestones for improving the cooperation of EU institutions, member states and relevant agencies to support the functioning of the area of freedom, security and justice. The conclusions of the Council for area of Internal Security and the European Police Partnership should improve: 1) the availability of information necessary for effective law enforcement in all member states; 2) application of innovative technical solutions that enable law enforcement authorities to conduct confidential mutual communication safely; 3) the practice of using EU-wide crime warning instruments, for example, warnings about persons or objects through SIS; 4) implementation of legal acquis on cross-border police cooperation, for example, establishment of adequate powers for cross-border surveillance and cross-border prosecution; 5) the practice of law enforcement authorities to use advanced technologies, digitization and artificial intelligence in their daily work; 6) equipment of law enforcement authorities of member states and Europol for intensive work, collection and sharing of information with third countries; 7) the ability of law enforcement agencies to work with public and private partners around the world, and in particular have access to the necessary information to fight serious crime, violent extremism and terrorism on the Internet (Conclusion 13, Council of the European Union document 2020). The Council's conclusions on improving cross-border cooperation in law enforcement prioritize the enhancement of existing instruments of cross-border police cooperation over the creation of new forms of cooperation through Union legislative acts (Conclusion 18, Council of the European Union, 2020). To ensure successful cross-border police cooperation, the Council emphasizes the need to improve mechanisms for information exchange, joint training, exercises, seminars, and workshops, reduce technical and language barriers, and create updated manuals and work catalogs that include national and EU competencies and procedures (Conclusion 39, Council of the European Union, 2020). These conclusions illustrate what a soft law instrument looks like, in which the Council proposes improvements, guidelines, and references to existing legislation in the field of internal security, to influence member states and EU institutions to elevate the level of joint cooperation, leveraging both the currently valid hard law norms and new technologies and innovations.

3.2. Police Cooperation Code

The Code of Police Cooperation in the EU is the name for the package of measures, meaning proposals for amending EU legislation aimed at improving police cooperation. It regulates separate special acts of police cooperation for the enhancement of information exchange and cross-border operational police cooperation. The Code is a Commission's package that comprises proposals to amend two acts of secondary law aimed at improving the exchange of information, as well as proposals of Council recommendations that encourage and enhance all existing forms of cross-border operational cooperation. Although the Treaty of Lisbon confirmed the legal basis of operational police cooperation, it is mostly based on provisions of the Schengen Convention that were adopted more than 30 years ago. These provisions serve as a starting point for the adoption of non-binding legal acts, such as recommendations, which the Council uses as a soft law instrument to encourage the improvement of cross-border operational police cooperation and preserve internal security within a single space without internal border controls (European Commission, COM/2021/780). Taking into account the fact that the recommendations are not binding, the Council uses them as a soft law instrument and recommends the member states implement the recommendations by linking them to the legal acts of the Union that have binding force. In particular, the Council calls on member states to significantly increase the importance of the recommendations by implementing them into national legal systems by amending existing laws and by-laws and tying them to valid EU legislation with mandatory legal force, such as the provisions of the Schengen Convention or the Prüm Framework for the Promotion of Cross-Border Police Cooperation (point 10 of the

Preamble of Proposal COM/2021/780). Despite operational police cooperation being the sole responsibility of member states, current practice demonstrates that states cannot ignore the specific recommendations of EU institutions due to the unique features of contemporary challenges, risks, and threats to internal security, which endanger the entirety of the Union's area of freedom, security, and justice. As a pioneer and creative player in this field, the Commission frequently suggests soft law instruments that it constructs and offers to the Council for adoption. It could be said that the Council's preferred method of regulation in the field of internal security is soft law instruments, which it accepts more readily and frequently than binding secondary acts, to which member states are quite sensitive, allergic, and suspicious. The adoption of binding secondary acts implies long, slow, and difficult negotiations with uncertain outcomes.

3.3. EU Security Union Strategy 2020 -2025

The EU Security Union Strategy is an upgrade and a natural continuation of the Commission's previous documents with strategic priorities for the area of security in accordance with global social changes and the evolution of security threats. The strategy emphasizes that although security is primarily the responsibility of member states, current changes in the security environment require joint action by the Union and member states, as it becomes undeniable that the issue of internal security in one state is in fact a common security issue for all member states. The Strategy emphasizes the link between security and respect for human rights. They do not threaten or exclude each other but are complementary and inseparable values, whose protection is the basis of the action of the Union and its member states. The Strategy covers the period 2020–2025, in which the Commission, through related chapters, proposes measures and procedures related to the implementation of the existing legislation, concrete measures for improving security cooperation, and monitoring the measures foreseen by the Strategy in each member state. The strategy is a coordinated package of measures aimed at amending, supplementing, and more effectively applying the existing legislative framework and operational action in response to rapid transformations in security threats and the defense of society as a whole (European Commission COM/2020/605, p. 2). The creation and construction of the EU security union are foreseen through four strategic priorities. The first strategic priority aims to ensure a secure environment that is resistant to future changes, with a focus on: 1) protecting and improving the resilience of critical infrastructure, 2) enhancing cyber security, and 3) protecting public spaces. Another priority is addressing emerging threats by strengthening cooperation in: 1) combating cybercrime, 2) enhancing modern criminal prosecution capabilities, 3) fight against illegal content on the Internet, and 4) tackling hybrid threats. The third priority is protecting citizens from terrorism and organized crime. The fourth priority aims to create a strong European security ecosystem by: 1) enhancing information exchange, 2) strengthening external borders, 3) promoting research and innovation in the security field, and 4) enhancing skills and knowledge. These priorities form the central part of the Strategy, which serves as a soft law instrument, outlining concrete actions for all actors at the EU and national levels to achieve the security of all Union citizens.

3.4. EU agencies in the field of internal security and soft law instruments

A large number of agencies, bodies and networks operate within the legal order of the EU, which primarily have the role of supporting institutions and member states in the implementation of certain policies and the achievement of integration goals. It is necessary to distinguish between bodies and agencies as well as between the agencies themselves. Decentralized agencies (35 in total), depending on the mandate and role assigned to them by primary law or founding acts or both, may have a control, supervisory, administrative, auxiliary or other role.

There are also executive agencies (6 in total) established for a limited period of time to manage specific tasks related to EU programs (European Union 2023). The Treaty of Lisbon does not contain a general legal basis for their establishment, but it does contain an explicit legal basis for the establishment of agencies in the field of freedom, security and justice, namely: Europol, Eurojust and the Office of the European Public Prosecutor. It is also necessary to mention Frontex as the European Border and Coast Guard Agency as the fourth agency established by an act of secondary legislation with significant powers in the control of the external borders of the EU. According to Chamon EU agencies may be defined as (I) permanent bodies, (II) under EU public law, (III) established by the institutions through secondary legislation, and (IV) endowed with their own legal personality (Chamon 2016, p.10). The powers of agencies vary depending on their founding acts, roles and tasks. A number of agencies do not have any regulatory authority, others have the authority to adopt some soft law acts, while others can adopt soft law acts that later represent the basis for legally binding acts and conclude international agreements. All the mentioned agencies operating in the field of freedom, security and justice are empowered with powers from the third group. They use soft law instruments to create common standards and good practices, but also as agencies are an example of how certain soft law norms can influence the creation of hard law norms, that is, their analyses, evaluations, assessments, recommendations and opinions are an integral part of the recommendations and proposals of the Commission for adoption of legislative acts of the Union. As good examples of the creation of common standards and good practices by adopting soft law instruments in the area of border controls are the Schengen Manual for Border Controls (European Commission, 2006) and the Schengen Catalogue, Recommendations and Good Practices for Police Cooperation (Council document 2011) with the support of Frontex and Europol. The current involvement of Frontex in the development of an operational and technical strategy for the Integrated Borders Management, which will be binding for all member states after the establishment of the multiannual strategic policy for European integrated border management by the Commission, is perhaps the best illustration of the adoption of soft law instruments, which shows the contribution of agencies in providing support to member states (European Commission, 2023 Annex 2). These examples confirm the fulfillment of one of the objectives of the soft law instruments, which specifically impose the behavior of the border services of all member states, which the Commission examines within the evaluation mechanism of the application of the Schengen *acquis* in accordance with the agreed common standards, basic principles and norms, which contributes to the good functioning of the Schengen area (point 4 of the preamble of Council Regulation (EU) 2022/922).

4. CONCLUSION

Soft law has been an integral part of the functioning of the legal order of the European Union since its inception. In several sectors and policies of the Union, EU institutions deploy soft law mechanisms. Apart from recommendations and opinions, they are not specifically mentioned in the Lisbon Treaty, but are usually disguised by phrases such as "taking measures", "adopting measures" or "prevention and coordination measures" to ensure that the various objectives are met. In this article, we examine recent examples of conclusions, recommendations, and strategies as soft law instruments that are currently used to shape internal security, as a substitute for the adoption of hard law acts, which are binding acts of the Union's secondary legislation. Although legally non-binding with predominantly political weight and responsibility, their adoption and implementation in the field of internal security is the preferred model of cooperation for member states for two reasons. Firstly, soft law instruments do not require a lengthy adoption procedure within the Council, as they do not create rights and obligations suitable for full judicial review and imposition of sanctions for their violation.

Secondly, the use of soft law instruments avoids encroaching into the essence of state sovereignty, as they are employed in a specific case to encourage and improve cooperation in the field of internal security, police operational cooperation, and the implementation of strategic priorities for the suppression of security threats that endanger the states and the Union as a whole.

LITERATURE:

1. Kreća, M. (2019). *International public law*. Pravni fakultet Univerziteta u Beogradu.
2. Dimitrijević, V., Račić, O., Đerić, V., Papić, T., Petrović, V., Obradović, S., (2012). *Basics of international public law*. Beogradski centar za ljudska prava Dosije studije, Beograd.
3. Avramović, D. (2011). By softening the right to the international rule of law. *Serbian political thought*, No. 2, pp. 263-288.
4. Meyer, T. (2008). Soft Law as Delegation. 32(3) *Fordham International Law Journal* 890.
5. Avramović, D. (2021). Soft Law and Sovereignty – From a Political to a Legal Limitaton. *Pravni Vjesnik 37 BR. 3-4*, str.101-114.
6. Senden, L. (2004). *Soft law in European Community law*, Hart Legal Publishers, Oxford.
7. Senden, L., Brink A. (2012). *CHECKS AND BALANCES OF SOFT EU RULE-MAKING*. European Parliament Study, Brussels.
8. Đurđev, D.(2013). Soft Law in European Community Law. *Zbornik radova Pravnog fakulteta, Novi Sad* vol. 47, br. 1, str. 101-116 .
9. European Commission.(2021). *Better regulation toolbox*. Retrieved 15.04.2023 from [br_toolbox-nov_2021_en.pdf](https://ec.europa.eu/br_toolbox-nov_2021_en.pdf) (europa.eu)
10. Treaty on European Union (Consolidated version 2016). OJ C 202, 7.6.2016. Retrieved 16.04.2023 from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12016M/TXT>
11. European Commission.(2020). COMMISSION STAFF WORKING DOCUMENT Implementation of Home Affairs legislation in the field of internal security, 2017-2020. SWD(2020) 135 final PART ½.
12. Council of the European Union.(2020). Council Conclusions on Internal Security and European Police Partnership. Council document 13083/1/20 REV1. Retrieved 17.04.2023 from <https://data.consilium.europa.eu/doc/document/ST-13083-2020-REV-1/en/pdf>
13. European Commission.(2021). Proposal for a COUNCIL RECOMMENDATION on operational police cooperation COM/2021/780 final.
14. European Commission. (2020). COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the EU Security Union Strategy COM/2020/605 final.
15. Chamon, M.(2016). *EU Agencies Legal and Political Limits to the Transformation of the EU Administration*, Oxford University Press, Oxford.
16. European Union. (2023). Types of institutions and bodies. Retrieved 22.04.2023 from https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/types-institutions-and-bodies_en
17. European Commission.(2006). Pactical Handbook for Border Guards (Schengen Handbook), C (2006) 5186 final.
18. Council document. (2011). Schengen Catalogue of Recommendations and Best practices on Police Cooperation, 15785/3/10 REV 3.
19. European Commission.(2023). COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL establishing the multiannual strategic policy for European integrated border management, COM/2023/146 final.

20. Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No 1053/2013, OJ L 160, p. 1–27.

EPISTEMOLOGICAL-METHODOLOGICAL APPROACH TO THE RESEARCH OF THE MORAL AND SOCIAL-PSYCHOLOGICAL SPHERE OF ARMED CONFLICTS

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ABSTRACT

The subject of this paper is the epistemological –methodological approach to the research of moral ad social-psychological sphere of armed conflicts. The aim of this study is to offer to the scientific and wider public, based on the scientific analysis, the epistemological-methodological approach to the research of the moral and social-psychological factors of armed conflicts, which present basic factors in every armed conflict. The purpose of researching the moral and social-psychological factors of armed conflicts is to, through the realization of basic and applied research in this most sensitive sphere of social life, reach new scientific discoveries and practical social experience necessary for adequate strategic decision-making on the justification of entering into armed conflicts and for the rational and efficient management of that armed conflict led by states and coalitions of states participating in it. Almost all basic analytical and synthetic methods of knowledge and research were used in the paper, with an emphasis placed on analysis, synthesis, abstraction, classification, generalization and the inductive-deductive method. From the corpus of general scientific methods, hypothetical-deductive, axiomatic, statistical and comparative methods were applied. From the group of methods used for data collection, the survey method was used, primarily the technique of a poll, as well as the method of document content analysis, with qualitative and quantitative techniques of analysis. The results of research on modern armed conflicts conducted at the end of the 20th and the beginning of the 21st century confirmed the initial hypothetical assumption that the continuous research into the moral, social-psychological and other factors of armed conflicts can influence the final decision on the termination and outcome of the conflict based on scientific arguments. The main result of this study is the realization that without basic and applied, diagnostic and prognostic research into the moral and social-psychological sphere of armed conflicts, it is not possible to reach new knowledge, axioms, postulates, principles, laws and theories, which in modern conditions of technical and technological achievements, based on scientific arguments, refute the motives and goals of each armed conflict and prove the futility of conflicts between people, social groups, ethnic and religious communities, peoples, sovereign states and military-political alliances and blocs.

Keywords: *armed conflicts, moral and social-psychological factors of armed conflicts, methodological approach to the research of armed conflicts, conceptualization of the research project of armed conflicts*

1. INTRODUCTION

For a more complete explanation of the subject of this paper, first it is necessary to define the main categorical terms, such as research and scientific research of the moral and social-psychological sphere of armed conflicts. At the same time, it should be necessarily pointed out that research is a basic categorical concept in science, that is, the general, universal method of scientific knowledge in general, as well as in armed conflicts, and that it is defined in different ways from different scientific perspectives. For the subject of this paper, the epistemological-methodological definitions of the research of the moral and social-psychological sphere of armed conflicts, which contribute to the general methodology and special methodologies of various fields of science and scientific areas that are legitimately intertwined in armed conflicts,