

THE GENESIS OF SYSTEMIC CONFLICTS IN THE PERIOD OF THE USSR COLLAPSE AND STATE FORMATION IN THE POST-SOVIET PERIOD

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The object of the study is the genesis of systemic conflicts in the paradigm of the phenomenology of statehood, with its inherent methodological and methodical approaches to the mechanisms of formation and building of the state task, which presupposes the systems of interacting institutions that determine the structure of public administration.

The subject of the study is the main trends of statehood formation in modern history, a systemic crisis of administration in the decline period, and the actual trajectory and mechanics of statehood formation in the post-Soviet space and in the world after the collapse of the USSR. Special attention is paid to the analysis of key causes of the emergence of systemic conflicts as a result of differences in content, understanding, and installation of the structure of state building on an operational level without a qualitative legal metric of legitimacy of state-formation. The genesis of systemic conflicts of constitutional and legal regulation in the conditions of the growing scale of global integration, as well as the critical need for an effective supranational level of legal regulation within the framework of a systemically full-fledged international law.

The study concludes that due to systemic conflicts, ensuring common understanding, interpretation and application of the guiding principle of the Rule of Law becomes ambiguous and makes the formation of a common unified global legal space impossible. As a result, as an objective consequence, integration processes, in the absence of a systematically organized legal discipline, go into the mode of "self-determination" where the principle Rule of Law based on a system of legal norms on the long term basis, is replaced with a conventional system of situational agreements oriented on the rules of the short-term basis of the current conjuncture.

Key-words: *Genesis, legal genesis, systemic conflicts, sin, Constitution, constitutional regulation, the Rule of Law, the USSR, world order, civilization*

The moral, cognitive, and methodological aspects of the problem.

In his book "The Morality of Law", the famous American jurist Lon Fuller starts with the selection of the following construct:

Sin, vol. 1. Voluntarily deviate from the path of duty prescribed to man by God. Webster's New International Dictionary Sin is sinking into nothingness*(Fuller Long A, 2007, p. 13).

Adopting this concept for highlighting legal issues through "systemic conflicts", we denote a "sin" in the context of the genesis of conflicts in the system of state formation. "To commit a sin" in science is the assumption of unreason, leading to a logical ambiguity of the studied subject area because the latter immerses a scientist into the void of ignorance. In this setting, the qualitative

property of any science to have the right to be a science and realize its purpose functionally as an essential uniqueness is postulated. Otherwise, it is something else, and then a sin is committed as an act when that “something else” replaces the existing.

This is a primary basic cognitive conflict in the system of scientific knowledge, which triggers the deformation of the essential manifestation of the object by its subjective perception of the observer, forming a curved spatiality in (pseudo, sublimation) the reality, i.e., the deformation of the reasonable touch of the observed object, and this is certainly the basis of the entire genesis of systemic conflicts in the processes of law formation and state formation.

Ignoring this primary basic component will make the insurance of the logical adequacy of jurisprudence, political science, administration, and all related subject areas as a science and rationality, the creation and establishment of states, as well as the legal formation of the world order impossible, and this is a sin that can lead to the disappearance of the sin-bearer itself - the human world.

As an independent entity the legal essence of sin, can be represented in the ontological construct of the bearer of sin, as the subject responsible for the assumptions of the act of deviation from duty and the object of duty itself, which determines the objectivity of sin. Therefore, the subject, the bearer of sin, commits a sin before the established order of obligation.

In particular, jurisprudence is sinful to humanity to the extent that it cannot (although it should) explain the nature and essence of law, provide a fundamental system of knowledge that allows to design the architecture of state building in the conditions of the world legal order, establish a legal space in which the state building will be formed, as well as to start its operation with its subsequent operational administration. In this regard, in his book “Critique of Pure Reason”, the well-known German philosopher E. Kant rightly notes that lawyers are still looking for a definition for their concept of law (Kant I., 1998, pp. 730-731).

We can say that the President of the Russian Federation V.V. Putin had in mind the same circumstance in one of his interviews, in which he notes, “Whoever does not regret the collapse of the Soviet Union has no heart; whoever wants to recreate it in its previous form has no head - (<https://ru.citaty.net/tsitaty/633404-vladimir-vladimirovich-putin-kto-ne-zhaleet-o-raspade-sovetskogo-soiuz-a-u-togo-n>)). In the format of our toolkit, this thought can be interpreted as “The one who rejoices at the collapse of the USSR has no conscience, no heart (and this is sinful and immoral), and the one who believes that it can be recreated in its previous form has no mind, and this creates cognitive conflict, which is also sinful.”

One of the most famous works of the philosopher and futurist Francis Fukuyama “The End of History and the Last Man” (Francis Fukuyama, 2015), is directly related to the topic under discussion. The manifestation of sin lies in the fact that the natural essence of a person is eliminated, along with all the accumulated civilizational cognition and rationality, with the abolition of philosophy, art, and instead, launching an “event history” (already cognitive dissonance) in which a postmodern subject is formed without a construct of obligation in the format “Liberal Democracy”. This is, in fact, a declaration of “freedom from sin, freedom from the freedom of a natural person, freedom from

everything” and the abolition of obligation in general, in fact- canceling the civilized legal order.

At the same time, it establishes a new cognition in which Aristotelian logic and scientific character are suspended. Therefore, constructive "liberal democracy" should not prove anything, even if it is in the minority. There is an abolition of traditional rationality, the creation of a new culture of political ethics, the establishment of significance and dominance of the minority over the majority, and the establishment of a new era.

At the same time, the statements of former US Secretary of State John Kerry in Berlin can be qualified as a sin: “We Americans highly value freedom in general, and freedom of speech in particular. With us, anyone has the right to be stupid if he wants to be.” (<https://vk.com/@wpristav-rss-209740668-1293694745>).

Another illustrative example of a sin is the professor Noah Yuval Harari's attempt in his newfound scientific research (Yuval Noah Harari, 2015 by Vintage; Yuval Noah Harari, (Harvill Secker, 2016), Yuval Noah Harari, (Jonathan Cape, 2018).) to conceptualize the "objective " nature of the end of the humanistic era and the beginning of a new civilization (with the change of the natural person as the substantive basis of civilization to the "supernatural person", with the transition to the incomprehensible hypostasis of "already a different non-human and non-civilization", something incomprehensible, unknown, beyond responsibility in general, in which all traditional institutions will not have a place to be, with the replacement of the traditional understanding of administration as an entity in a different format, as a dialectic of controlled chaos with a “constitutional” setting of the assumption of “uncertainty” in everything, the end of reason and the abolition of cognition and scientificity in general. This is a new era of the “subject of the supernatural”, and it is very likely that the term “man” itself can be abolished as the substantial basis of the planet’s population.

In such an incredible paradigm, similar to a dystopia, the concept of the state and law will disappear “naturally”, just like jurisprudence, political science, and administration, they will simply be repudiated as was the case with the history of the CPSU.

As a result, the world order will be fundamentally different, in which there will be no state based on human rights because there will be no man himself.

The bearer of this sin, unfortunately, objectively is humanity itself in its immanent legal personality.

A sin in the administration system manifests a deviation from fulfilling of one's functional purpose.

Law is a system of preventing a sin and ensuring the integrity of the administration system.

The above examples are the primary signs of reality and the program of replacing the Law with the Rules.

In this formulation, cognition may be outside the logical necessity of constructing a cause-and-effect chain of evidence for something.

Consideration of the nature of this sin requires special methodological tools based on the phenomenological synthesis of political, sociocultural, economic, and other institutional components of state formation to provide the required capacity of scientific tools and to cope with understanding the complex

task of state building, its installation of administration, functioning, and progressive development.

Scientific research, especially the decision-making system without which it is impossible to manage at all, should be based on a system of objective fundamental knowledge with its own theoretical base, methodology, methodological apparatus, and application tools within those subject areas in which the operational administration of goal-setting objects and systems as well as the release of the final product are determined.

Subject area - state - state building

In our consideration, the basic object is the state as a phenomenon and all related subject areas, essentially including all areas of scientific and practical activity, philosophy (including theosophy and theology), jurisprudence (including necessarily the philosophy of law, jurisprudence), political philosophy, political science, conflictology, sociology, economic theory, cybernetics, and other related disciplines. Based on this, an unambiguous construct is established for such key objects as the state, legal genesis and state formation, etc., reflecting their essence.

Without a fundamental understanding of the legal nature of the state, knowledge of the “intrinsic nature of political power, constant under changing circumstances, determining the path along which forms of government develop, and not determined by these forms” (Anthony de Yasai, 2016, p. 11), the state simply will not be visible, tangible, distinguished and formalized as a basic entity and functional. Therefore, it will not be designated as a control object in the process of analytical operation and generation of conclusions for decision-making.

In particular, in the case of an uncontested need for operational legal consolidation, the duality of state administration as a result of a systemic conflict "constitutional ambivalence" of statehood has led to:

- loss of controllability in the last period of the USSR. The fact is that Soviet Law, based on the socialist concept of the theory of state and law, with the corresponding methodology for building a legal space, with its system of law formation, is fundamentally different from the methodology of law formation based on the ideological and theoretical platform of capitalist statehood.

One of the main trends in legal analysis was aimed at establishing the thesis asserting that the collapse of the socialist regimes in Russia and its satellites was objective and inevitable. Unfortunately, the topic of the collapse of the USSR was not a priority object of scientific research (mainly for reasons of political inexpediency and the policy of forgetting everything that is associated with communism). The transfer of the main emphasis on the transition of capitalist law formation, as well as the focus and conjecture of research activities, has reduced the request for fundamental research on the causes and nature of the collapse of the USSR to a minimum.

Meanwhile, China has not only continued but also developed the whole theory of socialist and communist state-building with the applied result of launching the phenomena known as “Chinese Miracle, two systems - one country; peaceful supremacy, economic expansion of China as No.1 Economy, Chinese socialism, etc.” despite the fact that the USSR was the source of the theo-

retical and practical plan. It should also be noted the strategy of internal self-isolation of the scientific base and the policy of non-advertising and information protection of intellectual activity in the field of state and law. With this respect, it comes as a surprise that fundamental works on Chinese socialism, state building and law formation, and the experience of successfully overcoming methodological and methodological challenges are not a priority request in the countries of the former USSR.

Regarding the ascertaining of the collapse of the socialist camp, the consistency of the ideology and theory of communism, socialism, Anthony de Yasai's statement is indicative: "It is difficult to say what exactly is refuted by this collapse. Should such an attempt always end in such a failure? I see no compelling reason for this in one form or another" (Anthony de Yasai, 2016, p. 12)

The systemic conflict of "Developed socialism" arises as a result of the lack of a conceptual model of the stage of the subsequent transition on the path to Communism. The research capacity of this conflict is of a fundamental nature and cannot be fully disclosed within the framework of one article; in connection with this, we designate systemic conflicts only in the context of its manifestation with targeted application on the following points:

- The controlled process of the predictable dialectical development of society and statehood, due to the systemic conflict, switched to the mode of evolutionary self-formation with the launch of a situational administration system and the principle of empirical auto-correction.

The conceptual model for a new qualitative level of economic development was confined to the formula "The economy must be economical", and had no backed up fundamental concept for a new stage within the framework of the ideological and theoretical base of socialist statehood, with the identification of all implementation parameters, taking into account qualitative transformations in all areas (as was done in China with a clear description of the stages and program for the implementation of reforms). As a result of this, the genesis of the systemic conflict "Jump to Nowhere" occurred - the sin of immersing the socialist state into uncertainty, emptiness, and nothing with the inevitable outcome of its collapse.

- Initiation of structural changes in the functioning of the state, which were ambiguous in their political, economic content and goal-setting; in fact, institutional transformations under the "Perestroika" brand, without scientific and practical justification and applied convergence, based on the mere declaration "glasnost and perestroika, new thinking", the syndrome of political sublimated slogans, violated legal bases, transformed the institutions of the state building into the format of a "self-forming web", with the inevitable paralysis of the functional viability of the state administration system.

- Quite a natural outcome, as a result of the already existing systemic conflicts was the inability to correct the dysfunctions of basic institutions, which led to a loss of controllability in all areas.

- Ensuring the constitutional legal order of the state became untenable.

- A dual constitutional and legal regulatory body was formed, actually composed of the traces of the resettled administration system where "the infrastructures of state institutions and functionality of public administration

had already been resettled.” On the one hand, each element of the administration system had to correspond to the normative legal acts while, on the other hand, Perestroika, as an initiative form of a reform independent of organic interconnections and compliances with the constitutional regulatory norms, had powers to establish and change the status of functions of the state bodies; that is to say, while the constitutional status of the functional as a unit of the administration system corresponded to the constitutional legal regulations, Perestroika entitled the functional to feel free to change its administration format for implementation including the so-called "household account 1, 2, 3". In fact, the “double legitimacy” had increased, launching parallel regulations without reconciling the entire hierarchy of the administration system from top to bottom, and in the opposite direction, thus paralyzing all the processes of the state administration system.

- At the same time, the genesis of the “Ambivalence” systemic conflict was launched, in which any element of the administration system was to be by the ideological theoretical base of the old (prohibiting private ownership of the means of production) and the current administration system as a web of “self-organizing functionalities using political and public administrative resources of the old system creating ambiguity not only in the decision-making system, but also in the interpretation of all processes in the paradigm of a new (market) not yet systematically established, but already present as an ideological and theoretical concept (with elements of a market economy assuming private ownership of means of production - the so-called cooperatives) - yet being unaware of its conflict potential in relation to the official constitutional arrangement. This had been seen at all hierarchical levels of the state administration of the USSR - from the Republics, ministries, departments, enterprises and organizations to the individual citizens.

- The systemic conflict of "Ambivalence" gave rise to the systemic conflict of

"Duality of the public administration system"; as a result, a two-factor instability was formed at all levels - from production, logistics, and financing to the functioning of the planned economy as a whole. Because of chronic instability at all levels, the principle of state-planned administration, as the main mechanism for ensuring the welfare of society, had become unfeasible. The main aspect of the increase in ambivalence was the formula for choosing the current economic reality - on what ideological and theoretical basis to identify the state of statehood - the economic dilemma - the socialist market or market socialism, with the associated political dilemma - state or private ownership of the means of production. The presence of this dilemma itself meant that the former statehood no longer existed, while the new one was wandering between the above dilemmas. At the same time, the scientific level of understanding the phenomenon of the market economy was untenable for solving the above dilemmas, especially in the face of growing uncontrollability at that time. In fact, this meant paralysis of the constitutional legal administration. In reality, the paralysis of the constitutional legal regulation launched the genesis of law.

- Creeping decentralization and self-governance as an operational reality, demanded “its independence from the old” and was not yet aware of the

meaning of “constitutional independence as a separate subject” of legal genesis, lacking an understanding of the significance and purpose of the legal system in general. In the manifestation of this systemic conflict, the subject declaring independence does not understand the legal meaning, content, and purpose of independence” (the genesis of pseudo-sovereignty).

- The project of a renewed form of government of the USSR and its operational process led to the deformation of the constitutional order of the USSR.

- The next step was Belovezhskaya Pushcha and the denunciation of the USSR, after which a parade of declarations of independence followed in the Union Republics.

Back in 2016, I began my scientific article “Conflictogenic Nature of the Rule of Law Principle and the Genesis of Systemic Conflicts of Constitutional Regulation” with the following thoughts:

“The modern world in its current state can be characterized as a process of conflicts with unprecedented dynamics of generation and, accordingly, global system challenges across all sections of the aggregate social process - from the national level, defining key problems of development, formation, structural reforms (especially for countries with transitional and developing economies) to open questions of system formation of global interaction of the entire world community. Undoubtedly, the functional effectiveness of all approaches and solutions to these challenges, as well as the implementation mechanisms already in practice, are directly linked and dependent on the system of legal consolidation within the framework of national and supranational law formation within the framework of system uniformity, which allows to synchronize the actions of law within the common legal space (global action) taking into account the diversity and specifics of systems of sovereign law.” (Ayvazyan V.N., 120-127)

The scientific research, especially the decision-making system without which public administration is impossible in general, should be based on a system of objective fundamental knowledge with its theoretical base, methodology, methodological apparatus and application tools within those subject areas in which the operational administration of goal-setting objects and production systems are determined.

As a result, the process of state formation was inevitably doomed to obstruction. The state bodies of the current statehood (the Supreme Council, not yet the Parliament) launched in the legal space of the administrative law of socialist statehood with constitutional powers, an anti-constitutional act - the Declaration of Independence, abolishing the current statehood, with the transition to an undefined statehood, with essential uncertainty, in fact forming a mutational formation with public administration system of the previous statehood, launching not just the ambivalence of the state building, but in fact laying the foundation for the annihilation of statehood.

Unfortunately, there is no a term in the word stock of jurisprudence, political sciences and other related scientific disciplines. It has not been designated, has not yet been defined, as a result of which a conceptual and legal entropy is formed, which inevitably triggers a cognitive dissonance that abolishes any metric of rationality, while all institutions, by inertia, worked as a mechanism of

the old public administration system. The most difficult (somewhat ridiculous) in connotation of a systemic conflict is that the operating control system works by inertia and, in fact, is already illegitimate. That is, it functions in the space of non-legal regulation with the worst constitutional consolidation through ovulation tools outside the legal semantic review, but with the status of the main law, which prohibits the objectivity of the state as an object of constitutional legal consolidation with a clear ideology.

At the same time, the principle of the inadmissibility of any level of crystallization of the essential identification of the state is established, without which not only sovereignty as a feature of independent will is unacceptable, but also any ideological issue is also prohibited. As a result, the systemic conflict of state formation is accompanied simultaneously by the emergence of systemic conflicts of constitutional regulation. The source itself in the chain of the falseness of the genesis of statehood, in this case, is the document “Declaration of Independence”, which is not classified by its legal status, in which there is no constitutional content to justify the object of dependence and independence (from what? - the answer is “from the dictates of the center! We ourselves want to control our fate - How ? Not like now!).

This complex and invisible aspect (the phenomenon of the annihilation of law) of the recursion is the genesis of state formation and the genesis of the system of constitutional regulation, which, within the framework of epistemology and cognitive sciences, are classified as a special phenomenological class of self-referential concepts. Undoubtedly, the scientifically analytical apparatus of jurisprudence, unfortunately, abolished the philosophy of law as a mandatory, basic, initial institutional component of deductive thinking in the field of state and law, with the transition to the trend of positive law, which historically transformed legal thinking at the inductive level of practical priority in a narrow range of legal thinking and essentially abolished the essence of law. This is the reason for methodological blindness and has launched a systemic relapse of the replacement of legal analytics purely within the framework of methodological aggregation at the level of law enforcement as a rule. Such annihilation is a clear example of a systemic conflict, when an object operationally exists and functions in the absence of a reasonable observer who is aware and singles out the object of observation in the analytical form, on the basis of which, with a proper level of understanding of the phenomenon of the object of observation, with subsequent transfer of the interaction process to the plane of the subject of administration - the object of administration.

The erasure of historical memory, the de-installation of the analytical integrity of the scientific heritage, and the formation of current positive scientificity serve the opportunistic interests of the situational layout with the priority of short-term planning.

The methodology of long-term, medium-term and short-term planning as a single entity is replaced by purely short-term planning, at the same time, the strategy is based on the iterative pursuit of situational solutions to achieve established goals on a long-term time scale.

As a result of cognitive conflictogenicity, the systemic conflict “War for Peace” is functioning today, based on constructive uncertainty and the principle

of mandatory uncertainty as a sign of the democratic arrangement of a modern state building. This is an unconscious systemic conflict triggering Chaos.

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ՎԱՐԴԱՆ ԱՅՎԱԶՅԱՆ – Համակարգային հակամարտությունների ծագումնաբանությունը ԽՍՀՄ փլուզման և հետխորհրդային փուլի պետականագոյացման գործընթացում – Հետազոտության օբյեկտը համակարգային հակամարտությունների ծագումնաբանությունն է պետականության հարացույցում՝ իրեն բնորոշ մեթոդաբանական և մեթոդական մոտեցումներով, պետական կառույցի ձևավորման կառուցակարգերով՝ որպես փոխգործակցող ինստիտուտների համակարգային համալիր, որոնցով որոշվում է պետական կառավարման կառուցվածքը:

Ուսումնասիրության առարկան նորագույն պատմության մեջ պետականություն ձևավորելու հիմնական միտումներն են, կառավարման համակարգային ճգնաժամը փլուզման ժամանակաշրջանում, պետականության ձևավորման փաստացի հետազոտումն ու կառուցակարգը հետխորհրդային տարածքում՝ ԽՍՀՄ փլուզումից հետո, և աշխարհում: Առանձնահատուկ ուշադրություն է դարձվում համակարգային հակամարտությունների հիմնական պատճառների վերլուծությանը, որոնք պայմանավորված են պետականաշինության կառուցվածքի գործառական մակարդակում բովանդակության և ներդրման ըմբռնման տարբերությամբ՝ առանց պետականագոյացման լեգիտիմության որակականության իրավական մետրիկայի:

Առանձին-առանձին դիտարկվում է սահմանադրական և իրավական կարգավորման համակարգային հակասությունների ծագումը գլոբալ ինտեգրման աճող ծավալի և լիարժեք համակարգային միջազգային իրավունքի շրջանակներում իրավական կարգավորման արդյունավետ վերագրային մակարդակի ծայրահեղ անհրաժեշտության համատեքստում:

Աշխատանքի հիմնական եզրակացությունն այն է, որ համակարգային հակամարտությունների պատճառով իրավունքի գերակայության առաջատար սկզբունքի ընդհանուր ըմբռնման, մեկնաբանման և կիրառման ապահովումը դառնում է ոչ միանշանակ, և անհնար է դառնում միասնական համաաշխարհային իրավական հարթության ձևավորումը:

Արդյունքում, որպես օբյեկտիվ հետևանք, ինտեգրացիոն գործընթացները համակարգված իրավական գիտակարգ բացակայության պայմաններում

անցնում են «ինքնորոշման» ռեժիմի՝ փոխարինելով երկարաժամկետ իրավական նորմերի համակարգի վրա հիմնված իրավունքի գերակայության սկզբունքին:

Բանալի բառեր – *ժազումնաբանություն, իրավական ժազումնաբանություն, համակարգային հակամարտություններ, մեղք, Սահմանադրություն, սահմանադրաիրավական կարգավորում, իրավունքի գերակայություն, ԽՍՀՄ, աշխարհակարգ, քաղաքակրթություն*

ВАРДАН АЙВАЗЯН – Генезис системных конфликтов в процессе распада СССР и государствообразования в постсоветский период. – Объектом исследования является генезис системных конфликтов в парадигме феноменологии государственности, с присущими ему методологическими и методическими подходами, механизмами формирования и построения государственности, как совокупности системы взаимодействующих институтов, определяющих структуру государственного управления.

Предметом исследования являются основные тенденции государствообразования новейшей истории, системный кризис управления в период распада, фактическая траектория и механика становления государственности на постсоветском пространстве и в мире после распада СССР. Отдельное внимание в работе уделено анализу ключевых причин возникновения системных конфликтов, как последствие различий в содержании, понимании и инсталляции конструкции государственности на операционном уровне без качественной правовой метрики легитимности государствообразования. Отдельно рассматривается генезис системных конфликтов конституционно-правового регулирования в условиях нарастающего масштаба глобальной интеграции и критической необходимости наличия действенного наднационального уровня правового регулирования в рамках системного и полноценного Международного Права.

Основным выводом работы является то, что вследствие Системных Конфликтов обеспечение единого понимания, толкования и применения ведущего принципа Верховенства Права становится неоднозначным, а формирование общего единого мирового правового пространства - невозможным. В результате как объективное последствие, интеграционные процессы в условиях отсутствия системно-организованной правовой дисциплины переходят в режим «самоопределения» с заменой принципа верховенства права, основанного на системе правовых норм на долгосрочной основе, на конвенциональную систему ситуационных договорённостей, ориентированных на правила краткосрочной основы текущей конъюнктуры.

Ключевые слова: *генезис, правогенез, системные конфликты, грех, Конституция, конституционно-правовое регулирование, верховенство права, СССР, Миропорядок, цивилизация*