วารสารวิชาการผลประโยชน์แห่งชาติ
National Interest

บทบรรณาธิการ

      วารสารวิชาการผลประโยชน์แห่งชาติฉบับที่ 8 จัดทำระหว่างขึ้นในช่วงสถานการณ์ที่โลกได้มี
การเปลี่ยนแปลงภูมิรัฐศาสตร์เป็นอย่างมาก และการเริ่มต้นภูมิรัฐศาสตร์โลกใหม่ที่แบ่งออกเป็น 2
ขั้วอย่างชัดเจน คือขั้วที่สนับสนุนนโยบายของสหรัฐอเมริกาที่มีประชากรร้อยละ 15 ของโลก และขั้ว
ที่มีประชากรร้อยละ 85 ของโลกที่สนับสนุนรัสเซีย โดยการต่อสู้กันด้านเศรษฐกิจเพื่อควบคุมการ
เข้าถึงทรัพยากรในราคาถูกของฝ่ายหนึ่ง และการยับยั้งศัตรูการเข้าถึงทรัพยากรของตนเองซึ่งเป็น
ผลมาจากที่รัสเซียกำหนดอธิปไตยทางเศรษฐกิจการเมืองโดยตนเองทำให้ส่งผลต่อการพังทะลาย
ของห่วงโซ่อุปทานเดิมที่ตะวันตกอยู่ในฐานะกลางน้ำโซ่อุปทานไม่สามารถที่จะสนับสนุนการผลิตได้
เช่นเดิม เนื่องจากต้องพึ่งพาต้นน้ำโซ่อุปทาน และเป็นประเทศที่ไม่เป็นมิตรกับตะวันตกคือไม่ยอมรับ
การแลกเปลี่ยนสกุลเงินดอลลาห์ ส่วนเงินยูโรที่เคยใช้ได้ส่งผลทำให้ราคาสินค้าสูงขึ้น และเพิ่มอัตรา
เงินเฟ้อแบบขดลวด ก่อให้เกิดปัญหาในการลดคุณภาพชีวิตของประชากรในยุโรปอย่างรวดเร็ว และ
นำไปสู่การเปลี่ยนเส้นทางการค้า การลงทุนการขนส่งไปอยู่ในฝั่งตะวันออกที่ขยายตัวมากยิ่งขึ้น และ
ที่สำคัญการกำหนดเพดานราคาสินค้าทำให้ปฏิเสธการจำหน่ายสินค้าโดยตรง นอกเสียจากว่าซื้อมา
จากประเทศที่เป็นมิตรกับรัสเซีย อย่างไรก็ตามต้นทุนสินค้าก็มีราคาที่สูงกว่าเดิมและมีความไม่
แน่นอนในการลงทุนทำให้เกิดการอพยพการลงทุนออกนอกยุโรปส่งผลให้ค่าเงินยูโรร่วงลงอย่าง
รวดเร็วสถานการณ์ปัจจุบันทำให้เกิดการเปลี่ยนแปลงในแวดวงวิชาการได้ก่อให้เกิดแนวคิดด้าน
เศรษฐกิจแบบใหม่และการประกันความมั่นคงเศรษฐกิจโดยตนเองที่แตกต่างจากเดิมอันเป็นผลจาก
การเร่งของภูมิรัฐศาสตร์ของผู้เล่นหลักและก่อให้เกิดการเปลี่ยนแปลงทางวิชาการอย่างมากใน
ปั จ จุ บั น

      สำหรับเป้าหมายของวารสารวิชาการผลประโยชน์แห่งชาติในฉบับนี้ ได้นำเสนอบทวิเคราะห์
ผ่านมุมมองด้านภูมิรัฐศาสตร์เกี่ยวกับกระบวนการปฏิรูปเพื่อสร้างขีดความสามารถของสถาบันที่
เข้มแข็ง เพื่อเป็นเงื่อนไขสำหรับรัฐที่มั่นคงโดยจำเป็นต้องเคารพเป้าหมาย และผลประโยชน์ของชาติ
โดยรวมซึ่งเป็นบทความที่มีความคิดที่โดดเด่นอย่างมากในสถานการณ์เพื่อไม่ให้เกิดปัญหาการแบ่ง
เชื้อชาติสังคมอย่างในยูเครนโดยนักภูมิรัฐศาสตร์ชาวมาซิโดเนียเหนือเสนอแนวคิด และการปฏิบัติที่
ควรจะดำเนินการซึ่งเป็นความคิดของผู้เขียนที่ไม่เคยมีมาก่อน และบทความที่นำเสนอเรื่องความ
ปลอดภัยของยุโรปที่เป็นผลมาจากสถานการณ์เพื่อตรวจสอบวิธีการที่เสนอโดยสหพันธรัฐเพื่อให้
ยุโรปมีความปลอดภัยมากขึ้น และประเมินหน้าที่ด้านความปลอดภัยของชุมชนบูรณาการที่สร้างขึ้น
ซึ่งเสนอวิธีการที่แตกต่างจาก การรวมยุโรปว่าไม่ใช่วิธีแก้ปัญหาด้านความปลอดภัยเบื้องต้นแต่เป็น
การเปลี่ยนแปลงความสัมพันธ์ระหว่างรัฐสมาชิกและช่วยเอาชนะการต่อต้านการรวมชาติของยุโรป

      อีกบทความหนึ่งเกี่ยวกับฐานกฎหมายของนโยบายการรวมยุโรปของยูเครนเพื่อพัฒนาการ
สนับสนุนทางกฎหมายสำหรับประเทศยูเครนสำหรับการรวมยุโรปยูเครนอยู่ในฐานะรัฐที่ต้องการ

เข้าร่วมการบูรณาการในประชาคมยุโรปการประสานงานของปัญหาการรวมยุโรปของยูเครนขึ้นอยู่กับประสิทธิผลของกลไกการทำงานของสถาบันกฎหมายของสังคมในฐานะเครื่องมือที่จัดตั้งขึ้น

โดยสังคม และรับผิดชอบในการสร้างการปฏิบัติตาม และการดำเนินการของความสัมพันธ์ทางกฎหมายและบทความเกี่ยวกับผลกระทบของกฎหมายของสาธารณรัฐประชาชนจีนต่อการรักษาความมั่นคงของชาติในเขตบริหารพิเศษฮ่องกงหลัง COVID-19 ดำเนินการปฏิรูปสถาบันต่าง ๆ ในเขตปกครองตนเองของฮ่องกง ขณะเดียวกันก็จัดทำบทบัญญัติกฎหมายอาญาฉบับใหม่ ซึ่งจำกัดความเป็นไปได้ที่องค์กรภาคประชาสังคมในท้องถิ่นในฮ่องกงจะต่อต้านระบบสังคมนิยมของสาธารณรัฐประชาชนจีนเป็นบทความที่น่าสนใจอย่างมาก บทความสุดท้ายเป็นบทความเกี่ยวกับการปรับตัวใหม่ของวงการอุดมศึกษาเพื่อนำนวัตกรรม หรือเทคโนโลยีสารสนเทศและการสื่อสารมาใช้ในการจัดการเรียนการสอนและเป็นรูปธรรมในแง่ของผลิตภาพ ดังนั้นบทความในฉบับที่ 8 ที่มีจำนวนทั้งสิ้น 5 เรื่อง จึงเป็นบทความวิชาการ 4 เรื่อง และบทความวิจัย 1 เรื่อง โดยได้รับความร่วมมือจากนักวิชาการมาซิโดเนียเหนือ ยูเครน และไทย จะเห็นได้ว่า วารสารวิชาการผลประโยชน์แห่งชาติได้คัดสรรนำเสนอผ่านความร่วมมือจากหลากหลายนักวิชาการผู้มีประสบการณ์

บรรณาธิการขอแจ้งให้ผู้อ่านรับทราบว่าบัดนี้วารสารวิชาการผลประโยชน์แห่งชาติได้ผ่านการประเมินเข้าสู่ฐานข้อมูล TCI สำหรับผู้อ่าน และผู้เขียนที่สนใจที่จะถ่ายทอดผลงานวิชาการ และผลงานวิจัยเกี่ยวกับภูมิรัฐศาสตร์ ภูมิเศรษฐศาสตร์ นวัตกรรม และเทคโนโลยี สามารถที่จะศึกษาคำแนะนำในการเขียนได้ในท้ายวารสาร ซึ่งทางเรายินดีอย่างยิ่งที่จะพิจารณาผลงานด้านนี้เนื่องจากเป็นแนวทางวิชาการที่มีความต้องการอย่างมาก และที่สำคัญมีการพัฒนาอย่างรวดเร็วจนทำให้แวดวงวิชาการปรับตัวอย่างมากในกระแสธารการเปลี่ยนแปลง โดยเฉพาะอย่างยิ่งในสถานการณ์การทหาร เศรษฐกิจแบบใหม่ ที่กำลังอยู่ในช่วงของการเผชิญหน้ากันระหว่างหมู่คณะตะวันตก และรัสเซียกับจีนของการแบ่งโลก สุดท้ายนี้ทางวารสารขอแสดงความเสียใจต่อศาสตราจารย์กิตติคุณ ดร.ไพฑูรย์ สินลารัตน์ ที่จากไป และขอคารวะต่อท่านที่ได้สนับสนุนแนวคิดของการทำวารสารมาตลอดเพื่อให้เกิดการถกเถียงในทางวิชาการอย่างสร้างสรรค์ อันจะช่วยให้เกิดมุมมองใหม่ ๆ ในทางวิชาการต่อไป

รองศาสตราจารย์ ดร.ชินสัคด สุวรรณอัจฉริย
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สารบัญ

Building strong institutional capacities for stable states – national interest versus reforming process: positive practices and recommendations

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ABSTRACT

National goals and interests are a priority for every state, both for the population and for the state elites. However, it is important to point out that in certain societies there are internal fractions, different social groups or ethnic communities, which may aspire to different high goals. It should be properly followed and respected, both by the state authorities and from the foreign actors.

When promoting missions to encourage a reform process for the need to build the capacities of strong institutions as a condition for stable states, they need to be based on respect for national goals and interests, overall, but also to strive for affection from side of the public and proclaimed public opinion.

Within this paper, an analytical approach is promoted in the creation of an original theoretical framework for presenting a complete process of guarding capacities for strong institutions and stable states. Through the application of a qualitative categorical framework, through the analysis of existing facts, their comparison, specification and synthesis, conclusions and recommendations for action in specific social situations are drawn.

Introduction. The changes that are taking place, to a large extent, have a direct impact on the ruling elites and their way of working and functioning, and indirectly on the entire public. Additionally, reforms of state institutions are inherently political, even if foreign actors may claim that they are pursuing only technical changes. This is exactly the main reason for the emergence of a certain level of resistance to missions and influences of this type, i.e. the domestic elites and the existing government will not adapt and accept the necessary changes, which will make the reintegration process more difficult and will make the same less successful. Consequently, there is an obvious possibility for domestic stakeholders to oppose the reform process initiated by the international community, known as domestic opposition theory (Pritchett, 2004).

Initially, it is necessary to approach an analysis of the challenge of the way and the level of efficiency and effectiveness of the functioning of state institutions. Furthermore, structures or practices that have proven to be sufficiently effective in other countries are identified, so that they are adapted to social opportunities and needs (Finkenbusch, 2021). It is important to point out that in this way all institutions in a country are challenged, towards a state of improving their level of work, integrity and credibility among different target publics in a society, which in a given situation can be met with infamy by a series of domestic opponents of this reform process (Howard, 2008)

Moreover, a large number of individuals identify with national beliefs, whereby the actions of elites must be in the context of national identity in order to mobilize political power, making it particularly difficult for external actors to reduce the meaning and role of nationalism.

The importance of this academic paper stems from the need to highlight how important it is for stable states to put in place strong institutional capacities. Throughout history (especially from a more recent period), there are a number of examples where interventions by external actors are needed in a certain state, in order to start with special missions and a long-term reform process for building the capacities of state institutions and the way of their further functioning within democratic frameworks, all in order to be able to ensure a higher level of social well-being. What is of particular importance to emphasize is that foreign actors need to take into account the national interest and goals, in order to guarantee the support of the reform process by the general public and the state elites, on the basis of which they will raise their existing credibility.

A reform process for reorganization and building strong institutions

A reform process can be divided into several stages (four stages to check the model). Within the domestic opposition theory, actually the foreign actor seeks to implement particular demands or recommendations.

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Figure 1: Steps in the reformation phase
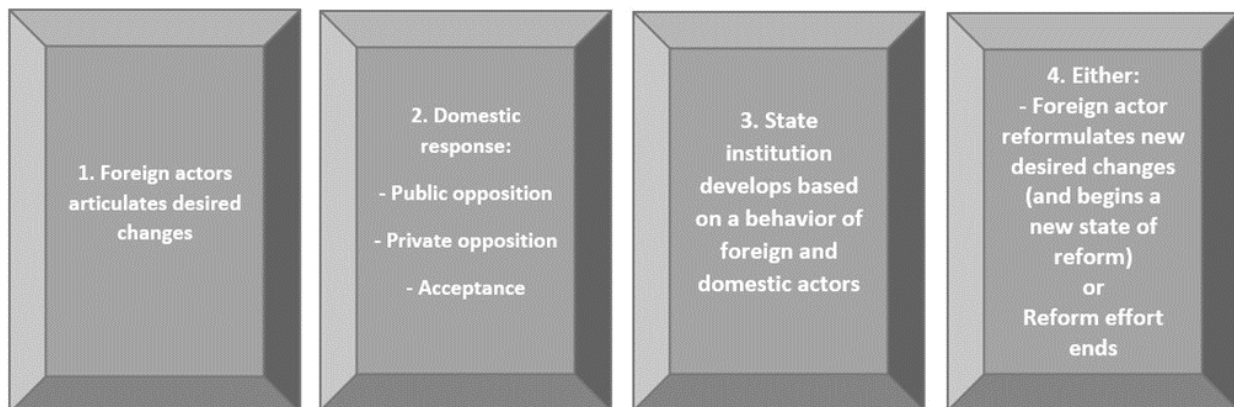
Source: Radin(2020)

Within the first phase of the reform process, foreign actors formulate and articulate the changes in the target state institutions that they seek to accomplish. These changes may include adjustments in the formal rules, structures, or common practice of the institution. Furthermore, the desired changes may be framed as demands or recommendations depending on the international resources and the political and legal structure in the place, including whether a foreign reformer has legal authority over a society or is acting more as an adviser to the sovereign government of the country. In this context, it is particularly important to identify specific changes, directly targeted to solve certain manifested social challenges (Radin, 2020)

The second phase of reforming, there is a bidirectionality between the state elites and the mass public, in relation to the general decision on whether to accept the reforms or to oppose them, that is, not to support them.

During the third step of reforming, there is a certain change in the way the state institution's function, which is expected to improve, and all this is due to the behaviour of the foreign and domestic actors who are currently involved.

The fourth step of reform, the involved foreign actors set two scenarios. The first scenario would mean that they give up on the reform process and the invested effort, while the second scenario would mean that they reformulate the requirements and recommendations in a way that initiates a new reform cycle. All that depends on the support they have from the domestic government, the entire population, as well as the image they have achieved within the national framework, but also among other countries in the international community.

It is important to point out that the reform process does not always happen in this order, that is, it adapts to the existing needs and resources of a certain social framework, and it largely depends on the existing situational factor.

Action of foreign actors for effectiveness and capacity building in weak states: demands and recommendations

Understanding the real reasons for the need to reform the institutional capacity of a given society is identified as the main factor in terms of the success of the reform itself. More specifically, it is a process that analyses equally the internal resources available in a society, and the external capacity-building concepts that need to be implemented.

Interesting example from real practice is Bosnia and Herzegovina. The post-war mission in Bosnia began in 1995, when the international community arrived. The very concept offered by international organizations and institutions is in the domain of building peace, strengthening state institutions, as well as encouraging further development of the multi-ethnic society. The strengthening of the security and legal system is particularly influenced, in order to ensure the safety of the population, as well as to influence the reduction of the level of corruption and the proper functioning of the legal system **(**Toal, 2011**)**

Reforms in the domain of security are generally known in the Balkans, with the aim of making it a better place to live.

The main goal of foreign reformers is to advocate for changes to correct the problems they observe, with the aim of reducing their impact on the quality of life of the population, and over time, to completely disappear **(**Suhrke, 2001**).**

The reform process can be completely unpredictable. Understanding the origin of demands and recommendations is also useful for gaining insight about how foreign actors can improve reform efforts in the future.

The reform process is only possible if local practices are fully taken into account. According to Lant Pritchett and Michael Woolcock, international development efforts tend to adopt a strategy of "skipping straight to Weber" (Andrews, 2017), meaning that they seek to "reach service delivery performance goals in developing countries by simply mimicking" the organizational forms of a particular 'Denmark' meaning a model developed country. Moreover, according to Roland Paris and his observations, it can be seen that without exaptation, peacebuilding missions in the post-Cold War period have attempted to 'transplant' the values and institutions of the liberal democratic core into the domestic affairs of peripheral host states **(**Paris, 2008**).**

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It is essential to point out that the reform process of institutional capacities must take place with full respect for human rights. Hence, the need can be seen from real intervention during state elections, protection of ethnic minorities, protection of women, resolution of ethnic conflicts, prevention of social segregation, as well as protection of the rights of different social groups. Consequently, the reform process must not under any circumstances initiate the protection of one ethnic group against another/other groups. However, the level at which the models will be initiated depends on the available resources of foreign actors and everyone involved in the process of building credible institutional capacities that through the reform process will be able to continue to act independently and meet the social needs of different target groups. Having resources available in larger quantities actually strengthens the mission's mandate. However, it is important to pay attention to the personal press of the foreign actors who are engaged and in charge of reforms in the institutions and the construction of strong institutions in the so-called weak societies, and which refers to their personal perceptions and experiences of the complete situation, which further implies the reform process. Still, there are also other political, bureaucratic or cultural pressures within peace-building organizations that influence the choice of demands or recommendations (Chandra, 2004)

In this context, it is important to mention the United Nations mission in Kosovo as an example. According to Severine Autesserre, everyday practices affect the level of effectiveness of the intervention, especially by reducing the possibility of understanding or adapting to local circumstances. At the same time, the actors who make interventions tend to emphasize thematic or generally accepted technical knowledge, as opposed to local knowledge in relation to the society where they are active. This tendency can lead to a range of dysfunctional practices, such as preferences for different mission allocations and external actors. In addition, all this can lead to a lack of institutional memory and knowledge regarding various events in society. In order to prevent some inconsistency, it is especially important to correctly select local partners who can provide a solid basis for the implementation of an effective concepts in the future (Peaceland, 2014).

In the context of the above, the influence of the USA in relation with building the state institutional capacities in Iraq and Afghanistan is also mentioned. Within this case, certain critical aspects can be pointed out during the process of external requests and recommendations, which refer to rapid system rotations and lack of adequate training in the local language. Most importantly, the biggest problem (or challenge) can be seen when foreign actors and implementers insist on the realization of certain general technical principles, without seeing their applicability to local circumstances and needs (Bremer, 2006).

During a process of reformation and realization of a mission, the main goal is to build strong institutional capacities in countries where peace is also in question. There are three important levels of authority that are followed for evaluation. It is about: the headquarters of the foreign mission; the countries that provide funds for the realization of the mission, as well as the personnel who are engaged for the

realization of the mission. Hence, it is particularly important that all these actors of influence have a unified attitude regarding the method and procedure of the realization of the mission, otherwise they would follow a series of requests and recommendations that will be in conflict with each other, which will reduce the credibility of the mission (Manning, 2007).

The main recommendation in this domain is to allow foreign actors to see the opportunities offered by domestic politics, however in an isolated situation in relation to domestic interest groups, in order to ensure the maximization of the success of the reforms. Foreign actors often learn from the mistakes that occurred during the implementation of a certain reform process while building strong institutions, thereby achieving greater success in the further stages of reforming.

Promotion of national goals and interests during the reform process

The promotion of national goals and interests needs to be in parallel with the concept of reforming certain institutional capacities. However, setting up such a synergy is not an easy process. It consists of several involved actors. It is about the state elites, the affected public, as well as the level of popularity of nationalism in a society.

Nationalism refers to the idea that a specific group should govern a territory. In societies where nationalism is politically important, individuals within the society tend to associate themselves with one or more identifiable groups, distinguished by a "salient political cleavage" within their society. Elites and political parties in these societies often compete for support within their particular group (Dobbins, 2007).

An interesting example for analysis in this context is Bosnia and the "ethnocracy" within its framework, through the existence of three main groups, Bosnian Muslim, Croat and Serb. Each of these groups has its own political representatives on the basis of which a political competition (focused primarily on identity issues) is ensured.

The presence of foreign actors in a certain country does not always refer to the need to build the capacities of state institutions. Nationalism is often influenced by many aspects. Namely, the political meaning and role of nationalism is not only an important aspect for analysis, but the specific history of political and economic modernization, the role of the elites, as well as the existence of a historical ethnic conflict, especially one that contributes to the emergence of violent behaviour, which would further initiate peace building (Wood, 2008).

In the context of the above, a distinction is especially made between the war and post-war period. Namely, according to Elizabeth Wood, individuals may be influenced by their personal experiences

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during military violence, which may further translate to certain political beliefs and mechanisms, which would be inappropriate for the post-war period (Balcells, 2012).

In order to understand whether the reform process threatens the national goals and the very ideology of nationalism that is presented in a certain social framework, initially, foreign factors need to identify the national goals, according to different relevant groups. However, it is important to make a distinction with the political goals, because reducing them to the same level would cause an insubstantial fulfilment of the main mission through the reform process (Petersen, 2011).

Table 1 *Dominant Nationalist Goals of the Major Groups in the Case Studies*

SOCIETY	GROUP	DESIRED TERRITORY	DOMINANT NATIONALIST GOALS
BOSNIA	Bosniaks	Entire country	Political participation in unified Bosnia
	Serbs	Republika Srpska (RS)	Autonomy within RS
	Croats	Croat cantons of the Federation	Autonomy within Croat cantons
KOSOVO	Albanians	Kosovo	Independence
TIMOR-LESTE	n/a[a]	Timor-Leste	Independence
IRAQ	Shia	Iraq	Dominance over the Iraqi government in a unified Iraq
	Sunnis	Iraq	Political participation in unified Iraq
	Kurds	Kurdistan	Autonomy within Kurdistan
UKRAINE	Ukrainians	Ukraine	Integrity and defense of Ukraine

Source: (Radin ,2020, p.34)

In encouraging a reform process to build strong institutions in weak states, the overall process for implementing reforms may threaten national goals by eliminating local control over police control, thus undermining the existence of institutions in the system that are critical for regional autonomy (Staniland, 2014).

As the main and essential conclusion in relation to the above, it is pointed out that in certain social frameworks some groups may protest that foreign actors and their reform actions threaten the

national goals, but this should be to a minimal extent. In fact, they may be threatened by the level of democratic development that is being initiated

The spiral of silence Elisabeth Noelle-Neumann – public opinion in the role of supporting the reform process by foreign actors

In the context of the formation of public opinion based on the acceptance of a "new reality", that is, the support of new directions for social action, such as those brought by the reformation process, the theory of the spiral of silence by Elizabeth Noelle-Neumann is also mentioned (Noelle-Neumann, 1993).

What connects this theory to the presented facts and aspects of thinking within this paper is the first thesis of her theory which is actually related to the source of the power of public opinion. Public opinion as social surveillance is focused on ensuring a satisfactory degree of social consensus on the values and goals of the community. According to this understanding, the power of public opinion is so great that it cannot be ignored neither by the authorities, nor by citizens or social groups, nor by foreign actors. That power springs from the threat of isolating the individual. The interaction between the individual and society gives power to common consciousness, common values, and common goals, while simultaneously threatening those who deviate from those values and goals (Weber, 1958).

Within the framework of this theory, the understanding of the need to reduce cognitive dissonance and ensure consensus in society is initiated; at the same time, the mass media should be in the role of a coherent "public eye" and a source of information about the dominant social norms, that is, as a simultaneous control of the public opinion of the citizens and the government (Pierre, 2008). In his research, Noelle-Neumann concludes that the fear of isolation among individuals who deviate from the majority consensus is the force that causes the spiral of silence as a generator of public opinion.

According to the Noelle-Neumann model, consensus can only be based on conformity. However, conformity is not the only form, that is, a way of forming consensus through social influence.

Critics of Neumann's model argue that conformity does not necessarily preclude any kind of deviation from the majority. The type of conformity can also be used to provide an opportunity for mutual influence, which allows for the modification of persistent attitudes, opinions, and behaviors.

During the reforming process, external actors need to strive to gain the affection of the local population, all in order to have greater credibility and support for their mission and necessary goals for realization. Only in that way can the public be expected, to a certain extent, to "deviate" from its position, or conformal zone, in the direction that is needed for the achievement of higher goals, for the general well-being of the entire community. However, in order to initiate such an approach, external actors need

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to have clearly defined goals and a transparent approach from the beginning, which will win the public's favor. In addition, the behavior of the elites in such a case goes in the direction of the behavior of the majority, from where they derive their legitimacy (Gerald, 1973).

In his discussion of public opinion, Noelle-Neumann clarifies the power of public opinion in terms of Lazarsfeld's thesis on the "band-wagon effect". She believes that similarly to this effect, the spiral of silence stems from the assumption that individuals in their environment observe the signals of power or weakness of different opponents (William, 1964). But according to Noelle-Neumann, there are two differences between these conceptualizations: (1) in the motive for such observation (for the mechanism of the "train effect" the prevailing motive is to be on the side of the winners, while for the spiral of silence the key motive is to avoid the threat of isolation); (2) in time: the spiral of silence emphasizes gradual incremental changes resulting from ongoing social processes, while the "train effect" assumes more unexpected jumps from one position to another, resulting from new information about who is in leadership (taking into account the mission of foreign actors and their goals aimed at improving future social practices and thereby strengthening the functioning capacities of state institutions) (Radin, 2020).

Conclusion . The discussion that is attached within this paper in its essence makes a connection between the need for: (1) reorganization of the capacities of a society, from the aspect of the functioning of the institutions and improvement of their forms of action in order to make the decisions made more effective; (2) the need to set up a reform process and a mission by foreign actors to build strong institutional capacities, as a condition for stable states; (3) the need to respect national goals and interests when setting up reform processes of institutional capacities, because only in this way the mission can have positive public support and credibility; (4) to strike a balance between public opinion, state elites and foreign actors, when it comes to promoting short-term and long-term goals of a reform process.

The paper discusses the theory of the spiral of silence by Elisabeth Noelle-Neumann, in a way that encourages thinking that public opinion as social surveillance can be crucial in initiating a reform process by foreign actors in a country. Namely, only in that way, by setting a full level of transparency on the part of foreign actors, can one expect to mobilize public opinion in support of the reform process for building strong institutions, as a basic criterion for stable states.

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European peace project: federalist perspective

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ABSTRACT

The European peace project has become a popular topic for public discussions but not so much as a scholarly enterprise. Despite an initial spur at the beginning of integration, today little research exists on security causes and outcomes of integration. This study contributes to closing this gap in the literature by examining the European peace project from a federalist perspective. Relying on federalists' works and security models this study examines ways proposed by federalists to more secure Europe and assesses the security function of the created integration communities that were set up in Europe after the Second World War. A number of important findings emerge from the analysis. First, security reasons paid the way to European unification, and European integration was intended to strengthen peace on the continent. Second, the federalist normative approach proposed the most radical security solution, which could serve as ideology, but could not be applied as an integration model in which primary units are nation-states. Third, from a federalist perspective European integration is not a primary security solution, nonetheless, it is capable to change relations between member-states and help overcome national resistance to uniting Europe.

Introduction. The European security order capable of maintaining peace and preventing a large-scale war has been a craving idea for many generations of Europeans. Since the beginning of European integration after the Second World War, the continent has not experienced a major war until recently. The current security predicament in Europe is a tragedy that should have been avoided. The big question is how?

At a time of a major war on the continent, an issues of conflict drivers and an effective European security architecture come to the front. There could be applied a number of international relations theoretical accounts that consider the matter (Mearsheimer, 2014), but it must be noted that the security problems facing Europe today are not new, and the discussion of their solution has rather had a long history.

One of the ideas for an effective European security order that gave rise to European integration is the one of a united Europe. Only this way a region that is organized under a single political leadership is capable of maintaining order and stimulating development, eliminating the possibility of an interstate confrontation. Centuries of wars between European states have brought them to the realization of a simple fact – to be peaceful Europe ought to be integrated. Currently, Europeans made a huge leap toward unification by virtue of the European Union.

After two devastating major world wars, for more than seven decades integration has become the strategy for securing peace and reconciliation in Europe. Sharing this idea, nevertheless, there are questions to be answered, since the integration neither has been spreading over the entire continent, or the EU embodies full-fledged political unification. Very first European organizations, the European Coal and Steel Community (ECSC) and the European Economic Community (EEC), incited debates about whether regional organizations were suited to settle disputes and conflicts among states (Haas, 1958). The delegation of national sovereignty rights to a regional (European) authority seemed to tame nationalism and fostered the peaceful resolution of international conflicts. However, the key question is how to overcome the reluctance of states to give up sovereignty (Börzel, 2013, p. 504), has remained unanswered.

There is no generally accepted explanation of how European integration has been functioning as a peace project. One side to it is functional cooperation, mostly in economic areas of "low politics" that helps solve common problems (Mitrany, 1965)and the role of regional institutions giving rise to a new political community in which states would settle their conflicts peacefully (Eilstrup-Sangiovanni, 2005). This cluster of theories appeals to a fundamental change in the way that member-states see their interests, having renounced force as an unacceptable means of resolving conflicts, and has formed a "security community" (Deutsch, 1954).

The other cluster for theorizing the European peace project seeks explanations outside the European integration and arguing that without the overcoming security dilemma there is no way to integration. Even having taken part in integration, states remain resilient in areas of "high politics" (Hoffmann, 1966) and need appropriate security arrangements, e.g. NATO, as an incentive for cooperation.

Since the creation of the European Union in the **1990**-s, theories shifted their focus on its role in the political transformation of the post-soviet states regarding integration and conditionality as peacebuilding force. Consequently, a question of how integration was contributing to regional security was transformed into one of how accession to the integration project contributed to security? The EU is considered as a polity with its own political system and policy-making and emphasizing Europeanization and socialization effects (Risse, **2001**).

No matter what the theories say, European integration, now with Ukraine as a candidate to the EU, represents a focal point in developing European order that constrains a nation-state's urge to turn to armed violence for resolving their disputes. For that matter, exploring the way integration contributes to a more secure regional environment can provide more tools for better understanding of modern security problems. The current security situation in Europe has been posing many questions and the finding an answer requires normative or empirical-normative theorizing, that can serve as the general guideline. With a new war on the continent, the fundamental question of "How the European security order should be built?" arises ones again.

Reminisced of the times when the integration started, early international integration theories can offer useful insights into the "European security order problem". There was two main normative theory that guided the integrated Europe – federalism, and functionalism. Their main point for normative theorizing was how to build European security order by means of integration?. In this regard, tracing their legacy is quite helpful to form a comprehensive picture of the current European security predicament and ways to address it.

This article examines federalist approaches to constructing the European security order by means of integration. Federalism is not a security theory, but it is a backdrop against which the current European peace project can be evaluated, and offers answers to security-related questions like why integration is important to strengthening peace? After all, Jean Monnet, a founding father of European integration and the first Head of the High Authority of the ESCS, famously described his approach as "functionalist federalism".

Framing European integration as a peace project that has absorbed a number of ideas of federalists at least at the normative level requires to address a federalist solution to war problem and its implementation by the integration process in Europe that started in the **1950**-s. Examining the federal route to European security, the article (**1**) considers the models of strengthening security by means of political unification to which federalism appeals, **2**) explores projects and ideas for peace achievement in Europe by political unification, **3**) accesses the ways the federalist ideas influenced and were incorporated into European integration project after WWII.

In the context of the Russia's war in Ukraine, the employment of the normative approaches not only offers useful insights into the causes of conflicts but more importantly presents guidelines on how the international

community should react. The federalist theory also informs many other aspects of European integration research, such as exploring the actorness and power of the EU and European security governance in the region.

Federalism and a security theory: towards political unification

Federalism is not a security theory in the exact sense, it rather appeals to a set of principles on which a new world order could be structured. The federalist security solution premises on nation-states' inability to sustain peace, and shares the idea of uniting mankind under a common political power. Historically there have been plenty of such projects emphasizing the necessity for some supranational body designed to resolve disputes between political units. The United Nations, an international organization for maintaining and building peace among its members, and the European Union, European integration project, are the closes contemporary incarnations of this idea.

The idea of the creation of supranational bodies for maintaining peace assumes that international relations are more prone to conflicts than societies within polities. In contrast to international politics, modern nation-states have monopolized the use of violence and built a hierarchical system of relations within their territories. Instead, international relation is a system in which there is no high authority, and order within this anarchic system is maintained by a power balance between main units – great powers.

Transferring these "internal" political practices to the global level can be advantageous for controlling war but there are at least a couple of approaches to how the unification of political power should be accomplished. The spectrum of possible solutions extends from structured cooperation without a clearly defined pooling of authority to a world federation. The latter is capable to eliminate the conflict-prone practices in international politics, the former is suitable for mitigating the impact of anarchy on international security.

Three types of common political entities can be distinguished with different degrees of unification of political power. At one extreme end of this continuum is a voluntary association of states, that cooperate among themselves, at the other is a full-fledged universal state. Their common denominator is the idea that the nation-state acting on their own and pursuing national interests are posing a threat to peace and it is dangerous if they are left outside the common political structure. Furthermore, this superstructure is necessary for building a consensus, as it has the necessary tools and pieces of machinery for finding solutions when security challenges are arising, and it should possess the means for its decision implementation.

The limitation of a nation-state through power unification is not so implausible as it may seem. The initial steps to the unification of political power can be traced to establishing the United Nations. With some degree of pulling power, this international organization was initiated by states to create conditions for peace and to maintain security by common effort. Currently, the only institution capable of legally employing force for

maintaining peace is the UN Security Council, and all member states are obligated to comply with Council decisions.

At this level of unification, common institutions don't possess autonomous authority for policy-making, and decisions are made by conferences of national heads of states or their representatives. No wonder that in most cases the UN is incapable to find a solution to an urgent security issue as the UN Security Council is operating on the principle of great powers unanimity. When security issues arise that pose a threat to peace, the UN can mount an effort to restore peace but only if there is a consensus among veto holders. When the goals and interests of key actors diverge, and national interests dominate, there is little incentive for cooperation, and this "concert of states" system for peace maintenance does not work.

The UN does more for maintaining security than a "concert of states" does, though. The creation of the UN can be considered a step in the direction of political unification. The universal international organization offers a platform for states to harmonize their interests and cooperate in solving common problems. In a globalized world, it is becoming increasingly difficult for states to act contrary to generally accepted norms, but as Russia's aggression against Ukraine demonstrates it is not always imperative.

The primary goal of UN security facilitation is to encourage states to resolve disputes peacefully and to prevent their aggressive behavior. Moreover, the UN also contributes to peace by encouraging economic development, welfare, and tolerance. The United Nations Charter considers its role as a center "for harmonizing the actions of nations in the attainment of these common ends" (Article 1 (4)) (United Nations Charter, 1945). By defining their role this way, the UN and other international organizations mitigate the consequences of international anarchy, giving hope that the interstate system will be rather stable.

The next step on a road to strengthening security through political unification is a confederation. This type of maintaining peace has more chances for success, as it requires setting up an autonomous high authority. In contrast to the UN system, where nation-states remain key decision-making units and act on the principle of sovereign equality, a confederation requires permanent decision-making and management bodies that structure relations between states. Its policymaking is organized in the conjunction of confederal and national levels, with states in charge of common solutions and their implementation. The administrative bodies of the confederation are more like secretariats or analytical units than executive structures. In the absence of a central implementation mechanism, violations of agreements by states do not entail significant consequences.

The differences between the confederation and the above-mentioned IO are many, but the most crucial one is the confederation's closeness to a political union. For maintaining peace, a confederation mounts a dominant power in case of aggression. For this reason, member states transfer their armed forces under joint command and establish a coordination center for their deployment. As a security organization, a

confederation depends on the contributions of member states and loses its effectiveness in the absence of internal unity.

Besides aggerating power against other players, this kind of political unification has also internal functions of peace maintaining and dispute resolutions among member-states. Many projects of European unity included the proposal of a confederation as a form for the pursuit of common interests as opposed to national ones. In this regard, the recent political and security developments in the European Union follow this path, albeit with a significant modification as its activities are broader and extend beyond the boundaries of defense or foreign policy alone. The core of European integration is the common market functioning as a single system, overcoming national limitations.

The third type in our classification of political entities contributing to sustained security order is a federation. In this type of unification for peace nation-states are deprived of significant power in favor of a federal government. Since war is a natural and inevitable attribute of the modern international system of nation-states, the peace project should be based on replacing the system itself, not improving it. A world federation appears as the most radical solution that requires the relinquishment of national sovereignty, including the use of instruments of violence.

In such a system, peacekeeping takes place according to the model of maintaining order within the framework of any modern state entity. Proponents of a federal state usually point out that such a political entity should possess sufficient powers to perform key functions of the state, including peaceful resolution of internal conflicts. Nations retain the maximum amount of autonomy to resolve internal affairs, but regulation of common goods (transport, communication, control of production) must be transferred to the upper level. The security role of the federation also requires its ability to implement key state functions at the level of citizens, not political unites.

Federalist approaches appeal to a comprehensive security solution such as a world federation but other options have been discussed by meeting certain criteria, e.g. a level of democratization or regional proximity. Discourse on the unity of "politically mature" states is dominant in modern Western societies, albeit not going closer to a state form. They operate together within many international institutions – G7, NATO, OECD, and EU. Moreover, not only democracies but also states that are in transition to democracy are considered eligible for such unity. Such approaches offer transition solutions with plenty of variations and help incorporate a federalist solution into a more complex political reality.

Democratization for building peaceful relations among states is a rather controversial idea (Yakushik, 2019, p. 47). Similar to the democratic peace thesis stating that democracies do not fight among themselves, democratization for peace don't offer a full picture and doesn't propose a universal solution while confrontation cannot be excluded from interstate relations based exclusively on internal political rules, non-

mentioning foreign policy considerations. Moreover, the grouping of democratic states may be perceived as a kind of political alignment.

The idea of regional federations has also many shortcuts as a security model. Proponents of the regional approach emphasize that many problems leading to war have their unique regional characteristics. Therefore, the creation of regional federal entities is a step toward solving security problems and gives impetus to the world political union. In this case, regional federations become fundamental components for moving on to the world federation and both these transformations can occur in parallel. The downside to this assessment is the fact that regional federations may act as nation-states competing and fighting among themselves, just as nation-states do.

Despite the fact that the security solution seems implausible, as federalists demand "dismantling the absurd architecture of the modern world" (Claude, 1988: 408), however it has created a normative foundation for European integration and affected considerably European peace project. At the same time, the European integration project combines many characteristics of different types of political unification and is "a sovereign political and legal entity contains, in a rather bizarre form, the features of a federation, a confederation, and an interstate (international) union (Yakushik, 2021, p. 178).

Ideas for peace by political unification in Europe

A security discourse has shaped the idea of European integration and political unification in many ways. Just before the creation of the first European community, in the aftermath of WWII, a European federation seemed as the only possible political path, propagated by the Resistance Movements [Lipgens, 1968]. The European state was widely supported by public activists and politicians. One of the most famous and powerful appeals in this regard was Winston Churchill's speech in Zurich, in September 1945, in which he called for the creation of a United States of Europe following the model of the United States of America (Churchill, 1946).

The post-war "federalist moment" is extremely important for the maturing of the European integration project, although it gives only one perspective on the security motives behind the European project and ways they could be addressed. To explore this variety of ways to build peace by unification one must return back in time at least for half of the millennia as European political tradition is quite rich in proposals for the unification of Europe. These security solutions reflect the environment under which they were born and even preceded the nation-state system, flaws that federalists wanted to remove.

The very first plans for Europe unification, dated back to the early Middle Ages, expected Christianity to form the glue for integration, although the driving forces for political union had been external – the necessity to overcome internal contradictions that weaken Europeans against external enemies. The creation of a

politically unified entity, usually on a confederal basis, was seen as a step toward peace, more cooperation, and, as a result, aggregated power.

European unity is a way to address demanding political problems that make European states weaker than their enemies. Peace and internal security are urgent prerequisites for related power. In fourteen centuries, Pierre Dubois, French jurist, and politician in his work "Of the Restoration of the Holy Land" argued that eradication of war between Christian nations is possible only if one state was dominated or a confederated "Christian republic" was formed (Dubois, 1306). Another plan by Antoine Marini floated the same idea of a confederation of Christian states, a hundred and a half-century later.

Some contemporary researchers believe that the framework outlined in early plans of European unity has many similarities with the modern European Union (Delanty, 1995), especially the way principal decisions are made. Dubois and Marini suggested a unified political body with kings in charge of the union's affairs. Amazingly similar operates the European Council, the EU institution that defines the general political direction and priorities of the European Union, where "democratically elected kings" – heads of states and governments – decide important issues among themselves, each having a veto.

The emergence of a new form of political organization, a nation-state, in the late seventeenth century, made the appeal to Christianity less politicly imperative, but the main unification leitmotif of overcoming confrontation between European states becomes more prominent. Under new Westphalian rules, states were engaged in large-scale religious wars, which were extremely devastating, even before the advance of the industrial revolution. In such an environment, the search for effective security ideas became more acute.

Not surprisingly, the next century watched plenty of peace proposals, almost all of them argued for some form of political unification. The "Great Plan" of Maximilien de Bethune (Duke of Sully) called for a united Europe with new administrative boundaries between states, which should be redrawn to ensure "parity in strength" (Maximilian de Bethune, 1638). William Penn advocated an idea of a European Parliament to strengthen peace in Europe (Penn, 1693). Abbot de Saint-Pierre's Project for Settling an Everlasting Peace in Europe was so successful in describing an early prototype of the European Union (De Saint-Pierre, 1714), that nowadays entered the school curriculums.

The common denominator for these peace proposals was to find an effective and plausible model to secure peace in Europe by means of political unity. The regional association should be capable to limit the sovereign power of its members (by a common army in Duke Sully's plan or by imposing sanctions in Abbé de Saint-Pierre's vision) and include all main security actors (not always "European", e.g. William Penn did not rule out the possibility of "Turks or Muscovites" participating in the peace project in Europe on equal terms).

For modernity, with its manifestation in French Revolution, the problem of the struggle between nation-states became more acute. It was time for the flourishing of a European nation-state not its withering. The industrial revolution changed the way the wars were fought, allegiance to a state had made wars patriotic,

and regional security had become a function of the balance of powers between major states (the terms state and power became interconvertible, e.g. "great/major power"). These powers transformed the European continent into an arena for the clashing of their "national interests", with two "world wars" in the first half of the twenty's century.

The new security reality shaped an acceptable ground for the development of the federalist idea of overcoming anarchy in Europe by the way of creating a federal entity known at the time as Pan-Europa. A red cross in the middle of the golden sun, first used by crusaders, became a symbol of the continuity of ideas of European political unification, now adopted by the Pan-European movement. According to one of the founders of the movement, it is "the oldest known symbol of supranational European brotherhood" (Coudenhove-Kalergi, 1953).

As a new incarnation of European unification, a "Pan-Europe" meant "the political and economic consolidation of all states from Poland to Portugal into a federal union" (Coudenhove-Kalergi, 1926). Such a consolidation pays the way to internal order and should make European strong against new opponents. The new global political competition seemed to make a European federation inevitable.

In the new world European states became "overglobalized" and overstretched to the extent that only a united Europe could preserve its economic and political position and independence. From this time on two options lay ahead for Europe: either to become 1) an arena for competition for new non-European great powers and be divided into spheres of influence, or 2) develop and strengthen its own actorness by unification into a federation. Marvelously, the European integration project undergone these two options simultaneously.

European integration as a peace project

Since 1950-s European integration has been supposed to solve regional problems, suggesting a framework for a new security order, and as such, it can be positioned on the line in the above-presented continuum of the three types of political unification – from the cooperation **without a clearly defined political structure to the creation of a world (regional) federation.** The influence that federalists had on the development of European integration is essential, but to what extent did the integrated framework of the 1950-s implement the federalist concept of strengthening security?

The federalist ideas were incorporated into the formal integration process, but mostly as ideological argumentation. Many federalist ideas such as "common market", "common European army", and "common foreign policy" push Europeans to unity and serve as a signpost for building a common Europe. Nonetheless, the idea of a European federation and a design of new European Communities were unharmonious in terms of security solutions and stood apart.

A major federalist point was to eliminate the European nation-states which were unable to "quench the thirst for peace" (Lipgens, 1968, p. 6) and replace them by a federal one. In contrast, the ongoing European integration is between European nation-states and doesn't intend to limit their sovereignty politicly. After all, nation-states' inability to guarantee security to its citizens during the two World Wars and the erosion of its ideological foundation due to the legacy of Nazism, doesn't mean that Europe was ready to change fundamentally its core political framework.

In the famous Ventotene Manifesto "For a Free and United Europe", known as a charter of the movement for federal Europe, Altiero Spinelli and Ernesto Rossi called for the destruction of the old system that splits Europe into sovereign nation-states. To them, the states have turned from guardians of civil liberty into an instrument of war, and in peacetime, they are instruments of preparation for a new war. The European government has to be established, which would secure that power of European nation-states would not be instruments of destruction, barbarism, and suppression (Spinelli, 1942). Assessing political thought of Resistance Movements during World War W. Lipgens argues that the idea of a European federation was commonly acknowledged as having the means to implement its will and impose it on the national constituents and permanently solve the problem of war (Lipgens, 1968, p. 13).

The European federal government ought to be powerful enough to protect states that are part of the federation, and also be able to keep them at peace. The Resistance Movements shared the belief that the European federation should be a sovereign entity with competencies in foreign policy, defense, and economy. A direct comparison can be drawn with former American colonies, that formed the United States to guarantee security and avoid war among themselves in the future (Deudney, 1995).

The federation, formed by a republican constitution, could put an end to the existing anarchy in Europe and become an example to follow, and give impetus to the creation of a world government. Further global political unification was deemed necessary to avoid the reemergence of nationalism. Other forms of security orders were considered ineffective, especially ones that lack military tools for implementation.

Federalist security decision contrasts with mechanisms of collective security, mistakes of which should not be repeated. In this regard, the doctrine of non-interference in the internal affairs of sovereign states, that forms a foundation of the UN security order is unsuccessful and powerless. The system requires the unanimity of the associated states, which pursue their own security goal, rather than maintaining the existing order. The epithet for security failure became the League of Nations. Nearly every declaration of the European resistance movements pointed at flaws of the League of Nations framework that existed before WWII. Among its defects were an absence of "autonomous power, independent of the national sovereignties and over them" and "it possessed neither political authority nor material power for carrying out its decisions which would have been superior to those of the states" as it was outlined in one of the assessments of a French Resistance Movement (Lipgens, 1968, p. 11).

Another side of the federalist idea is represented by Winston Churchill, who famously called for the United States of Europe. Unlike the Resistance Movements, his vision of a federation was influenced by the new political reality of the Cold War and confrontation between the USA and the USSR. On September 19, 1946, in Zurich six months after his speech in Fulton, USA, in which he noted that "from Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the continent" (Churchill, 1946a), Churchill called for "the recreation of the European Family", the first step to which must be a partnership between France and Germany (Churchill, 1946b, p. 2).

Churchill's Zurich speech had little in common with the security ideology of European federalists, which tried to offer an alternative to a discredited nation-state. Churchill's United States of Europe was more a military-political union for power mobilization rather than a control mechanism over nation-states. In June 1940, Churchill, then Prime Minister of the United Kingdom, made a similar proposal for a federation of the UK and the French Republic, "an indissoluble union ... not two nations, but one Franco-British Union" with common defense, financial and economic policy, as well as foreign policy and common dual citizenship (Monnet, 1978, p. 28). The new Union was supposed to support France in its confrontation with Germany, but the new French government reached an armistice agreement and laid arms.

Churchill's call for the United States of Europe is also an antithesis of the "other tragic Europe" with national antagonism and enmity. The European must not repeat the mistakes of post-First World War settlement when Germany was forced into reparations. Churchill was appealing to restoring the national spirit by abandoning the "sins of the past" and building a European family based on trust. In his opinion, the United States of Europe should make national interests less important, and "small nations will count as much as large ones and gain their honor by their contribution to the common cause" (Churchill, 1946b, p. 2).

This new variant of the European federation was a marker that the task of abandoning a nation-state system became more and more unattainable. The end of the Second World War and the fall of totalitarian regimes did not create a political vacuum, which was supposed to be filled by a new federal entity. The recovery of European states and the hardening of the grip of the occupying powers as well as the unfolding of the Cold War left the European federation no political future, even though the idea remained dominant in the European post-war discourse.

European integration as a peace project reflected this new political reality. The very first integration steps gave the impression that they would lead to a federal Europe, in particular the negotiations on the European Defense Community and the related proposal to establish a European Political Community (Spinelli, 1966, p. 19). With their failure, it became obvious that new European communities, ECSC and EEC, and Euratom, didn't centralize political power, just as the whole project didn't implement constitutional principles of the federal system (Forsyth, 1996, p. 26).

Efforts to create the United States of Europe were obviously too radical, and therefore provoked opposition from political actors in most European states. As a result, the lack of the necessary degree of harmonization of the national interests and the extremely strong loyalty of the population to the national states made the federalist model of European integration premature. The new Communities included a limited number of participants – only six, not all European states, their authority was clearly not sufficient to restrain national states.

Despite the significant changes European communities brought to the relations between states, from the federalists' point of view they looked quite moderate and did not eliminate key drivers of war. Federalists stood for radical changes in the European security order and European federation as a counterweight to nation-states. New integrated Communities constrained nation-states somehow, however they remained the main players in the integration game. Alan Milward famously called this new form of European political unification "European rescue of the nation-state" (Milward, 1992).

An innovative experiment in the field of regional cooperation did bring a change in relations between states, though. Just as early unification ideas suggested and Churchill called for, the European peace project creates a unity of European states, giving they tools to make decisions together and set aside political differences. In this regard, new regional institutions could establish conditions for preventive war and have binding properties that solve credible commitment problems among member states – "even in the case of volatile preventive war dilemmas"(Eilstrup-Sangiovanni, 2005, p. 99).

A nation-state as a primary unit of political relations had survived, however returning to business as usual among states was impossible as Europe got an outside security pacifier – the security guarantee from the USA. Integration in form of regional institutionalization was supplemented, and even permitted, by a defense alliance, NATO, that reduced the likelihood of a major war between European countries. It did not mean that the security dilemma between leading European states has been overcome, but it has been considerably mitigated (Gnatiuk, 2022, p. 18). For instance, the security threat to France from Germany, which had been rearmed, decreased after the transnationalization of the coal and steel markets (ECSC) and the incorporation of the German armed forces NATO command structure.

Just as federalism sought to move away from exclusively interstate practice in international relations by means of a federation, established European Communities have been altering the relations among nation-states with a less authoritative but complex system of international institutions. Albeit the intergovernmental mode in the EU remains, the security landscape in the part of Europe where integration took place has changed dramatically over the course of seventy years, whereas the rest of nonintegrated Europe lives under old rules, the federalists have desperately sought to eliminate.

The integration nevertheless gave hope that the power of Europeans would be increasing and eventually it would lead to the implementation of the federalist model (Forsyth, 1967, p. 483). In this way, federalism

became associated with the integration project in Europe and shifted its security emphasis from an idealistic vision of a world federation and the construction of a European "third force" to a more modest, but also more realistic vision of the more centralized European Union and Europeanization of the whole continent.

Conclusion. This paper sets out to examine how the European peace project corresponds with federalist ideas for building European security order. It was argued that the current European security challenge today is reminiscent of the security predicaments that Europe has been facing for a long time. The discussion of the federalist perspective extends the possibilities for achieving peace and the ways the European security order can be organized and can contribute to a better understanding of the security contribution of European integration. The European peace project and the federalist approach to security fall into the same mode of consolidation of peace by political unification, nevertheless occupying different points of the spectrum. The first one appeals for cooperation in transforming national practices, the later strives to replace European nation-states with the European one in order to overcome the international anarchy.

The paper proceeded to outline the arguments federalists set up for strengthening security and contrast them with other approaches for solving security issues within the framework of the unification of political power, such as a universal IO, e.g., the UN and its Security Council, and a confederation. Since war is a natural and inevitable attribute of the modern international system of nation-states, federalist insists on replacing the system itself, not improving it. The federal solution is sweeping and is driven by the need to eliminate the main source of conflict – the interests of national states. Other types of political unification just "mitigate" the anarchic nature of interstate interaction by international cooperation institutions.

After examining the normative assumptions of federalism, the article assesses the discourse on political unification in Europe after WWII and the federalist legacy in European integration process. It is clear that security considerations were the main driving force behind integration, and the "federalist momentum" was extremely powerful in the final phase of the Second World War. However, the integration model differs considerably from the federalist blueprint. European integration is an important step toward a new European security order that employs a certain form of political unification. European peace project operates by mitigating anarchy in relations between member-states with considerable role for new regional institutions, which establish conditions for cooperation and problems solution among member states. Federalism indicates that such a security order should be able, if not overcome, to limit national ambitions and include all participants in security interaction. Nowadays, as in the early 1950s, it seems that the integration should lead to the creation of a federal Europe, but there are no mechanisms that would push states to give up their national sovereignty.

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Legal base of Ukraine's European integration policy

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ABSTRACT

The purpose of the article is to analyze trends in the development of legal support for Ukraine's European integration. In essence, the Association Agreement with Ukraine differs from the Association Agreements signed by the European Union in the early 1990s with Central European countries preparing to join the EU, or with the Middle East, North Africa and Latin America countries, which do not have any chances of joining the EU. The coordination of the issues of European integration of Ukraine depends on the effectiveness of the mechanisms of functioning of legal institutions of society as an apparatus organized by society and responsible for the formation, observance and implementation of legal relations of legal entities.

The legal order of the European Union does not provide for a special accession procedure. In June 1993, the Copenhagen membership criteria were developed, covering the candidate country's ability to have a functioning liberal democratic political system, to introduce European law into national law, and to have the economy capable of competing in the EU Common Market. Therefore, the issue of recognizing Ukraine as a candidate for EU membership has a broad geopolitical context. Ukraine is working with the European Commission to agree on the procedure for negotiating accession to the European Union. The European Union has different strategies for negotiating the accession of new countries.

KEYWORDS: legal conditions of European integration, European Union, Association Agreement, Ukraine.

Introduction. The hot stage of the large-scale Russian war against Ukraine after February 24, 2022 highlighted the problem of legal support for Ukraine's European integration. The European Union is in crisis after the withdrawal of Great Britain. The readiness to accept new member states is questionable. The European Union needs to adapt its institutions and improve its legal norms to ensure the acceptance of the countries of the Western Balkans, Ukraine and Moldova. On February 28, 2022, the President of Ukraine V. Zelensky applied for membership in the European Union with a request for a special adoption procedure. On June 23, 2022, the European Council recognized Ukraine as a candidate for accession to the European Union, subject to the fight against corruption and judicial reform (European Council, 2022). The problem of Ukraine's legal adaptation to accession to the European Union is decisive.

Analysis of the main research problems. On September 1, 2017, the Association Agreement between Ukraine and the European Union entered into force (Association Agreement, 2014, p. 1). As O. Dorogih, mentions, after the entry into force of the Association Agreement by 2025, it was planned to implement 426 legal acts of the European Union into national legislation (Dorohykh, p. 3). The adviser to the first president of the European Council, Herman van Rompuy, Luuk van Middelaar highlighted the process of finding the optimal model for reforming the European Union, especially after the withdrawal of Great Britain from the EU (Middelaar, 2017, p 4).

Objectively, law is a social phenomenon that is formed in the process of historical development. Law arises from the needs of regulating public relations, giving them certainty and regulation. Abstract law was considered as a form of existence of higher justice and expediency, taking into account in its specific manifestation the nature of a particular historical epoch, the level of development of socio-cultural principles, national and regional features of socio-historical development. In the modern sense, law means, firstly, a specific system of universally binding social norms, which are protected by the power of state power, through which provides legal regulation of social relations, and secondly, a certain imperative over the state and law, and protects justice and order, thirdly, the law is also considered a set of social regulators that exist in the form of laws and customs. Although social relations, which are the subject of sociology and legal sciences, coincide in many respects, they still differ significantly. Thus, legal science is primarily interested in the legal form of relevant social relations, the content of rights and responsibilities of their subjects, while sociology at its level of scientific analysis always focuses on the study of social genesis, social place and social functions of a social phenomenon (Yakovlev, 1999, p. 14). At the same time, as a branch sociological discipline, it widely uses sociological methodological tools. In a broad sense of the subject field, the sociology of law examines the real effect of legal acts and certain legal norms in the context of all existing social regulation, including customs, morals, group values and orientations, public opinion. Legal aspects are present in the study of such sociological phenomena as family, property, politics, economics, etc. These factors, in fact, determine the need for such a scientific field as the sociology of law. The subject of the philosophy of law in Hegel's view is law in its relation to law (Hegel, 1990, p. 90).

In this context, the sociology of law examines the real effect of legal acts and certain legal norms in combination with all social regulation, including customs, morals, group values, public opinion. Particular attention is paid to the main social functions of law – regulatory, educational, planning and forecasting (Ionin, 2000, p. 12). In the context of the legal support of European integration, law can be considered as an element of social engineering (Ospanov, 2002, p. 23). The issue of legal support of Ukraine's European integration can be considered from the point of view of sociology of law as an official branch of branch sociology. Sociology of law in terms of European integration examines the nature, patterns of origin, functioning and development of the legal existence of society in the social aspect (Kulgar, 1981, p. 45).

According to J. Carbonier, sociology of law is a branch of sociology, while legal sociology is considered as a branch of sociology of law. At the same time, legal sociology from his point of view is designed to address the issue of social orientation of the **legal institution of society as the main tool for organizing and implementing legal relations of people in their daily activities (Carbonier, 1986, p. 10).**

The purpose of the present paper is to analyze the trends in the development of legal support for Ukraine's European integration.

Presenting main material. The Association Agreement consists of a preamble, seven parts, 43 annexes and 3 protocols. In particular, the preamble enshrines the principles of association, in particular the protection of human rights and fundamental freedoms, respect for the rule of law, respect for sovereignty and territorial integrity, inviolability of borders and independence. Section "Political Dialogue and Reforms, Political Association, Cooperation and Convergence in Foreign Affairs and Security Policy". Formats of political dialogue are defined: summits, meetings at the ministerial and other levels. Among the key areas of political cooperation are regional security, conflict prevention, disarmament and arms control, and the fight against terrorism. The part of the agreement "Justice, Freedom and Security" defines the areas of cooperation in these areas. An important goal of cooperation is to ensure the rule of law and the independence of the judiciary. Cooperation in preventing illegal migration is also envisaged. Some articles are devoted to creating appropriate conditions for workers who work legally abroad. It is planned to deepen cooperation in order to prevent money laundering and terrorist financing. The Deep and Comprehensive Free Trade Area is an integral part of the Association Agreement and provides for the liberalization of trade in both goods and services, the liberalization of capital movements and, to some extent, labor. Part of the Economic and Sectoral Cooperation Agreement contains provisions on harmonization of Ukrainian and European legislation, relevant institutional reform in Ukraine (energy, including nuclear, transport, environmental protection, industrial policy and entrepreneurship, agriculture, taxation, statistics, financial services) , tourism, audiovisual policy, space research, health care, scientific and technical cooperation, culture, education). Part of the agreement "Financial Cooperation" outlines the mechanism for receiving financial assistance to Ukraine, the procedure for monitoring and evaluating the effectiveness and use of funds. According to the section of the agreement "Institutional, general and final provisions" it is envisaged to introduce new formats and levels of cooperation between Ukraine and the European Union after the final entry into force of the

Association Agreement. In particular, an Association Council and Committee, a Parliamentary Association Committee, should be established. A Civil Society Platform will be established to instruct the implementation of the civil society agreement. In order to ensure the proper implementation of the Agreement, a mechanism should be put in place to monitor and resolve disputes that may arise during the implementation of the Agreement. Due to the unlimited term of the Agreement, it is possible to revise it, including the objectives within five years of its entry into force, as well as at any time by mutual agreement of the Parties.

It should be noted that the Association Agreement with Ukraine differs in content from the Association Agreements signed by the European Union in the early 1990s with Central European countries preparing to join the EU, or with the Middle East, North Africa and Latin America, who have no chance of joining the EU. The agreement on the issues of European integration of Ukraine depends on the effectiveness of the mechanisms of functioning of the legal institution of society as an apparatus organized by society and responsible for the formation, observance and implementation of legal relations of legal entities (Carbonier, 1986, p. 86).

According to N. Luhmann, the sociology of law studies legal and social phenomena, and the theory of law studies the general social essence of law. N. Luhmann considers the problem of sociology of law as an incentive for constant self-reproduction of the legal system. The dominant is a positive understanding of law as a system of universally binding norms. However, the imperative norm of justice as a form of social consciousness is due to certain class differences and interests of people (Luhmann,1994). Thus, historical experience shows that natural law can be formalized in law. Positive law is legitimized by tradition and the real practical life of legal and social institutions (Kazimirchuk, 1995, p. 34).

Plato sought absolute social justice, and his student Aristotle had already clearly formulated a key historical dilemma: the rule of law or the power of the people. The further history of the development of legal relations can be seen as a permanent search for the optimal relationship between law, law and social actors whose relationship they are called to regulate. It should be noted that the code of the Byzantine Emperor Justinian includes such important provisions as laws must be clear to everyone (Bartoshek, 1989).

Finally, legal norms are formed on the basis of existing actual social relations, they reflect the latter in a unique form, transformed in accordance with the will of the legislator, as well as taking into account existing trends in social development, needs and challenges facing society and state. The complex relationship between legal norms and the actual state of social relations is at the heart of the problem of social efficiency of the legal system, its institutions and norms. In this context, there is a feedback loop between the law and the social relations it seeks to regulate. So if a certain legal norm does not work in real life, then it does not take into account the relevant social needs. The social conditionality of law is related to the analysis of ways of forming legal norms. The law-making process at each of its stages is an activity that is legal in form and socio-political in content. It is in the process of this activity that specific manifestations of the laws of law formation, its social conditionality, its connection with the objective features of historical reality and the subjective ideas of legislators are observed.

The social norm imperatively imposes certain requirements on social behavior. Freedom is seen as the expression of the will of the subject as far as possible. Free action is about being willing to take responsibility for its results. Legal culture is perceived as a quality implementation of the law. It should also be about a legitimate way of life in society. Eventually, the essence of man changes with the development of society. Transformation of the social environment stimulates a change in the mechanisms of human adaptation. Legal socialization is a prerequisite for citizens to realize their civic role, place in the social hierarchy of society. Legal regulation is seen as an imperative social norm, which is sanctioned by the government, able to enforce it, based on a system of social control. However, quite often moral, secular, professional codes of honor require different behavior than codes of law. The key point is the dissemination and assimilation of laws. Most of them write briefly and incomprehensibly.

During the Middle Ages, entire sectors of social life were almost unregulated. Canon law was taught only in church schools. Secular law was not the subject of teaching. The judge was anyone in power. Most judges were unwritten, which did not promote written law. The development of customary law was accompanied by a change in legal structure. Because it was difficult to establish the genealogical connections of ordinary people, it became customary for court subjects to determine the law to which they intended to submit. Depending on the type of activity a person moved from one legal zone to another. Christian justice has long coexisted with foolish customs (the law of the first wedding night).

The latent pagan spirit of civil Roman law troubled church leaders. The rationality of legal procedures was in the interests of merchants and served to enhance the prestige of monarchs. The formation of grand principalities and centralized feudal kingdoms contributed to the revival of legislation and the spread of unified legislation to large areas. The concept of the rule of law is based on the principle of recognition of people's sovereignty, ie the people as the highest bearer of power and recognition of natural rights of the individual. If a person has the right to property, he has ownership of his rights. K. Marx considered law as an existing being of free will. Law is a freedom conditioned by equality (Marx, 1990, p. 84). In turn, E. Durkheim saw the historical roots of the origin of legal norms in morality and solidarity. Instead, G. Mosca considered the legal protection and political organization of society to be signs of civilization. Therefore, the law in the legal sense can be defined as a set of recognized in a given society and provided with official protection standards of equality, justice, which regulate social competition and the process of coordination of free will in their interaction with each other.

The law does not apply if it is not adapted to the prevailing morality and serves the interests of influential social forces. The current imperialism of human rights is essentially a forceful option for introducing the values of another culture into the social environment of societies that are still in the early stages of their own socio-historical development. Legal culture largely depends on traditions. Legislation is essentially a set of legal norms created by the state to regulate public relations. Unlike law, which is philosophically objective, legislation is a subjective category. In fact, it is a way in which the legislator implements the regulatory functions of the state.

Thus, in terms of changing the types of legal culture and methods of legislative activity, it is advisable to keep in mind the correlation between legal and political cycles of social development. And

this relationship is equivalent to law and politics. After all, it is a certain political regime that determines the imperatives for the application of legal norms and creates general conditions for legislative activity. In this regard, it should also be borne in mind that the chronology of the development of socio-political cycles in each society has, so to speak, a very multipolar specificity. In particular, the specific analysis should take into account the influence of factors of national history, the level of development of productive forces and social relations, socio-cultural local characteristics and challenges of the current stage of global historical development. Therefore, specific cycles of development of specific societies (in our case, political and legal development) a priori can not have clear boundaries of its beginning and end.

On February 28, 2022, the Ukrainian leadership appealed to the European Union for the immediate accession of Ukraine under a new special procedure. The legal order of the European Union does not provide for a special accession procedure. In June 1993, the Copenhagen membership criteria were developed, covering the candidate country's ability to have a functioning liberal democratic political system, to introduce European law into national law, and to have an economy capable of competing in the EU Common Market. The high level of these requirements for EU membership has led to a long period of preparation for the accession of post-communist Eastern European countries. The Baltic states (Estonia, Latvia, Lithuania), the Visegrad countries (Poland, the Czech Republic, Slovakia, Hungary) and the Balkan country Slovenia joined the EU only in 2004. Another Balkan country, Croatia, joined the EU in 2013. Candidates for EU membership are the rest of the Balkans: Serbia, Bosnia and Herzegovina, the Republic of Northern Macedonia, Kosovo, and Montenegro. At present, none of these countries is 100% ready to complete the EU accession negotiations, given the Copenhagen criteria. In the EU itself, there has been a split between supporters of Ukraine's rapid accession, who signed declarations in support of Ukraine's European perspective before the war, and skeptics. Poland, Estonia, Latvia, and Lithuania are in favor of an accelerated procedure for Ukraine's accession to the EU, because during the Russian aggression, Ukraine has consistently defended European values at the cost of its citizens' lives. Instead, French Minister for European Affairs Clement Bonn noted that Ukraine's accession is not possible due to lowering the level of requirements and criteria for EU membership. On the other hand, granting the status of a candidate for EU membership is the same "anchor" that does not allow deviating from the chosen course. The European Union is not ready to fully accept the countries of the Western Balkans. Ukraine is perceived by skeptics in the EU in terms of territory, population and problems as an additional problem, rather than an opportunity for a new quality of European integration. Of course, the issue of the special procedure for Ukraine's accession to the EU is actively used by Russian propaganda. Ukraine's refusal to join the EU quickly could benefit Russian propaganda, which exploits the narratives of "the fallacy of Ukraine's European choice and the inevitability of a rational alliance with Russia." An alternative to Ukraine's rapid accession to the EU is not being considered by the Kremlin, but in that case it could also speculate on "the inevitability of the collapse of the European Union due to overburdening Ukraine's problems". Ukraine suits Russia in the geopolitical "gray zone", as it leaves the possibility of continuing the aggressive policy against Ukraine and the European Union.

The European Union set a precedent for the admission of a state to an unresolved territorial conflict when it accepted the Greek part of Cyprus on 1 May 2004. Outside the EU, only the Turkish Republic of Northern Cyprus remains recognized by Turkey. This problem remains unresolved and is hampering constructive negotiations on Turkey's accession to the European Union. Therefore, the issue

of recognizing Ukraine as a candidate for EU membership has a broad geopolitical context. Turkey has been recognized as a candidate and began accession talks in the spring of 2005. Since then, negotiations have been repeatedly interrupted and have not yet been completed. The Ukrainian case differs from the Turkish one in that Ukraine and Ukrainians are not perceived in the EU as representatives of another civilization. Defenders of Ukraine from Russian aggression have united the European Union at the level of ordinary millions of Europeans. On June 24, 2022, the European Council recognized Ukraine as a candidate for accession to the European Union. This is an important political factor in strengthening Ukraine's position in the war against Russia. The European Union cannot afford for Russia to win militarily and politically in Ukraine. After the end of the war, the EU will be the main contractor for Ukraine's economic recovery.

Conclusions. Ukraine is working with the European Commission to agree on the procedure for negotiating accession to the European Union. The European Union has different strategies for negotiating the accession of new countries. Accession talks with Austria, Sweden and Finland were record-breaking. They began in 1994 and ended with the accession of these countries to the EU on January 1, 1995. Specific negotiations on the accession of the Baltic States and the Visegrad Four to the EU began in 1998 and were successfully concluded on 1 May 2004. Instead, negotiations on Turkey's accession to the EU began in February 2005 and are still pending. The strategy as well as the tactics of negotiations must be rationally constructive. It is advisable to identify a range of issues in the negotiations (corruption, judicial reform), so as not to lose the high pace of negotiations and see the ultimate goal. Ukraine will stop the war in the European Union forever.

Further research may focus on clarifying the procedures for implementing European legal norms into the national legislation of Ukraine. An important problem for further research is to highlight the problems of the ability of the European Union to adapt to the expansion to the East of Europe.

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When the world is not the same: a new adaptation of the university must happen.

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ABSTRACT

The real mission of Thai Higher Education therefore, it is a new mission, in addition to taking into account the guidelines related to the four main missions of higher education institutions set by the Office of the Higher Education Commission. University personnel in the era of Education 4.0 will have to unravel the concept of the old framework that has been done and is working on to a new adaptation to be consistent with the current situation because higher education institutions are academic centers as a flag for society and is the foundation of the country's thinking to drive development in various fields Up in the country, especially in the Thailand 4.0 era, the world is not the same world anymore.

The true mission of Thai higher education These are the production of graduates 4.0, research 4.0, academic services to society 4.0, and the preservation of arts and culture 4.0, which must accelerate the insertion of latent missions in the form of applying innovations or information and communication technologies in teaching and learning management. To be in line with the context of the world 4.0 and education 4.0. This is to encourage personnel in higher education institutions in the era of Education 4.0 to unravel their concepts from the original framework that had been done and is being worked on to a new adaptation to be consistent with the current situation because higher education institutions are academic centers as a flag for society, especially in the Thailand 4.0 era, the world is not the same world anymore. And in order to be in line with the Thailand Education 4.0 era, which is considered the era that has entered the 21st century, Thailand must look at productivity in a manner that can keep up and move forward.

Introduction. The determination of the main missions of higher education institutions in Thailand by the Office of the Higher Education Commission (2015) states that the main missions that higher education institutions must perform are 4 main things: produce graduates, researching, providing academic services to society and preserving arts and culture. It is a strict practice that universities across the country must carry out such missions which is a broad mission framework If the context should be taken into account especially in the context of time because in the present era. The environment of tertiary education has changed dramatically, especially when entering the Education 4.0 era

As Paitoon Sinlarat (2016) said, Education 4.0 is the education in the productive era. It is an era that requires as many products or products as possible for the benefit of one's own community and other communities with educational skills that focus on doing and doing and then come out as a product. Moreover, Thai education 4.0 is also considered an era entering the 21st century where Thailand must look at productivity in a manner that can keep up and move forward.

Therefore, the real mission of Thai Higher Education therefore, it is a new mission, in addition to taking into account the guidelines related to the four main missions of higher education institutions set by the Office of the Higher Education Commission. University personnel in the era of Education 4.0 will have to unravel the concept of the old framework that has been done and is working on to a new adaptation to be consistent with the current situation because higher education institutions are academic centers as a flag for society and is the foundation of the country's thinking to drive development in various fields Up in the country, especially in the Thailand 4.0 era, the world is not the same world anymore.

Legacy mission of Thai Higher Education

Graduate production: The first task that is compulsory for university professors in Thailand in addition to doctoral studies is entry into academic positions this is a mission that is halfway between the production of graduates and research. It is indirectly producing graduates. In addition to entering academic positions the role of thesis advisor is also one of the main tasks of university professors. And the mission of being a supervisor for an internship or cooperative education of students is another role of university professors culminating in an entry into a management position

Research: Entering academic positions with research results writing teaching materials teaching documents for the course composing academic textbooks or a collection of academic works and academic books for the course it is the primary role of university professors in research missions.

Academic Services: Research tool review mission including the mission of being a qualified person to consider research articles or academic articles it is an important mission when it comes to academic service or academic service to society that university professors have acted on behalf of the university and on behalf of the academic network or being a consultant to government agencies business organization and civil society groups

Preserving Arts and Culture: This concludes with entry into administrative positions appointed by the University that are directly related to the preservation of arts and culture due to the vast majority of its activities. It is the role of supporting department that is not the teaching mission of line a personnel.

Thailand 4.0

Talking about Thailand 4.0 is like talking about the changing times of the world society, that is, starting from the 1.0 era is the world of agriculture, the 2.0 era is the industrial world, and the 3.0 era is the information and communication technology world, and The 4.0 era is a post-information and communication technology world.

Thailand in the past has had continuous economic development since Thailand 1.0 focuses on agriculture, Thailand 2.0 focuses on light industry, Thailand 3.0 focuses on heavy industry and exports, Thailand 4.0 focuses on innovation-driven economy, with the main idea being: Shifting from product manufacturing to innovative products (Suwit Maesincee, 2016) Thailand 4.0 has thus transformed the country's propulsion from the industrial sector to drive by technology creativity and innovation and shifting from focusing on the manufacturing sector to focus more on the service sector

Developing the country under the concept of Thailand 4.0, the government has determined the project to strengthen the public power as a driver by focusing on the participation of the private sector Finance and Banking Sector People's Sector Educational Institution Sector Universities and research institutes brainstorm Join forces to drive through projects, memorandums of cooperation, activities or research by the operations of various civil state groups, namely group 1, upgrading of innovations and products, amending laws and government mechanisms. Developing the industrial cluster of the future and attracting investment and the development of infrastructure; group 2; development of modern agriculture; and development of foundation and civil-state economy; group 3, promotion of tourism and miles monetization and stimulating government spending, group 4, Basic Education and Leadership Development, or Pracharath Schools including the upgrading of professional quality and group 5 promotion of exports and foreign investment including promoting new entrepreneurs each group is laying out a system and formulating guidelines for intensive policy driving.

Thai Higher Education 4.0

If we consider the context of today's world, there is a code (Code) for different eras happening in the world It started with the world in the 1.0 era, which refers to the agriculture era, 2.0 is the industrial age, 3.0 is the information and communication technology, while the 4.0 is the post-information and communication technology world. The direction in which the world is moving has pushed all circles to follow be it political, economic, social, and national and international level

Toffler (1980) referred to the First wave or the first wave of humanity. It is an agricultural society that has existed for thousands of years, beginning from the first day that humans stopped hunting expeditions. turned to farming and raising animals which is considered a big turning point in life resulting in the formation of groups, creating a society, developing into a culture And it's time to build up, corresponding to the 1.0 second wave era, Toffler said, is a post-industrial revolution that focuses on

large-scale production and markets. Use machines to make lots of items. By having influenced many changes in the way of life of people. Third wave or the wave that it is the era of connectivity and access to information systems from all over the world. Under the linkage of basic elements that must have technology to support both computers and telecommunication structures born into a community be a network It is the starting point for the transition and the emergence of a new economy.

This is consistent with Case (２０１６) that the first wave in terms of information and communication technology (ICT) is from １９８５−１９９９, the second wave is from ２００５−２０１６. Third, from ２０１６ onwards, Case sees that the Internet has expanded greatly from １９８６ to the present. and will play many roles in working for the global society whether education public health or even tackling terrorism, solving global warming and solving poverty.

Jeera Hongladarom (２０１６) said that the first period was the period when the Internet was not very new, but after the year ２０００, there were new IT products such as Search Engine, Google, Yahoo or Facebook that expanded greatly climb but Steve Case's third wave is the Internet of Things. The role of the Internet will expand to the people widely object point And can be connected to a lot of robots, Internet of Things, but there will be Internet or Software that can do a lot including thinking and having emotions Human−like intelligence, perhaps the third wave of the Internet was called the Fourth Industrial Revolution or the Fourth Stage Industrial Revolution.

It can be seen that the direction in which the world is moving has pushed all circles to follow whether it is political, economic, social, especially in the education field which is a source of human resource incubation for various circles including government organizations, state enterprises, private sector, industrial sector, business sector, trade, commerce, financial and banking sector and other sectors Therefore, administrators of higher education institutions in the Thailand ４.０ era must be executives with a vision that is up to date with the rapidly changing era school in the new era Has moved a long way through the management style of old projects and paradigms.

When the world isn't the same: a new university adaptation must happen.

Higher education in Thailand ４.０ era amid rapidly changing situations in politics, economy, society, and cross−cultural concepts that are big trends in the context of globalization. Especially the knowledge of robots or Robotics, which is a new trend in the economy which has applied concepts, theories and research related to robots to be applied in a variety of disciplines, as Phu Iamcharoenying (２０１７) said about teaching and learning about robots that the robot market will grow a lot. The main reason is the rapid and continuous development of technology. If humans had better tools, they were robots. It will help save more labor and increase productivity. We need these technologies to increase productivity optimize and reduce operating costs these are the keys to increasing competitiveness and will be able to reach lower costs by working with more efficient and smarter processes can create new innovations To help drive the economy Many countries around the world are paying particular attention to this issue because he sees this as the heart of the future competition therefore turned to

support the study of robotics Programming and STEM (Science Technology Engineering Mathematics) to the fullest by bringing these subjects to school from elementary school.

Not counting unmanned aerial vehicle technology or Drone Technology and Autonomous Cars Technology or Automatic Cars and 3D Printing Technology or 3D Printing (2017), which are classified as a type of industrial robots, refer to the processes used to create three-dimensional objects by There is a layer of material next to it together under the control of the computer These objects come in many shapes, such as geometric shapes which has the same working principle as 2D printing technology that is printed in plane or X-axis and Y-axis by adding part of the Z-axis to create a 3rd dimension in printing

In line with the Kasikorn Research Center (2016), which has discussed the use of robotics technology to help financial analysis, known as FinTech, a combination of Financial + Technology that literally means Financial Analysis. Financial Technology In the future, FinTech will become one of the key mechanisms driving the financial system in the digital era. The global growth of FinTech will lead to the development of many new forms of financial services. especially the services in the 3 main financial transaction groups related to general consumers Including transactions related to payments/transfers personal finance management and credit and funding Today, examples of outstanding FinTech-based financial services can be seen in each of the major financial transaction segments invest more thoroughly especially those with young incomes and who are interested in modern technology. Due to the advantages of low service fees from the use of computer software to operate primarily, it reduces the cost of opening branches and hiring a large number of personnel as in traditional service providers. There is also a minimum investment limit set. or no minimum investment limit As a result, investment/financial advisory services are no longer limited to high-income groups as in the past.

Corresponding to Jakkrit Siririn (2017) who mentioned the meaning of Web 4.0 technology that the meaning of Web 1.0 (1990-2000), which is the beginning of the Web. Broadcasting or One-way Communication until the Web 2.0 era (2000-2010) is the current time of Social Network, Web 3.0 (2010-2020) or the Semantic Web will have the characteristics of a semantic network or a Semantic Network such as an Intelligent Agent or Semantic Search and Web 4.0 (AD 2020-2030), which is a Symbiotic Web or a website that works like Artificial Intelligence (AI) or artificial intelligence An example that has emerged is how the Siri program works on the iPhone.

In the current era, it is Web 3.0 era (2010-2020), or Semantic Web era, has applied Semantic-based Knowledge Management. This is the idea of John Davies, Marko Grobelnik and Dunja Mladenic (2009) in the book Semantic Knowledge Management: Integrating Ontology Management, Knowledge Discovery, and Human Language Technologies main mission Semantic-based Knowledge Management is the acquisition of in-depth knowledge, or Deep Knowledge, with the aim of applying knowledge in a specific field or Domain Knowledge, especially when linked into a computer system in the Web 4.0 era. Knowledge Management is the precursor for building a knowledge base for computer programs. Ontology, which refers to the domain knowledge model, has two components from knowledge: Knowledge Engineers and Domain Experts the purpose of Ontology is to apply knowledge in a specific field to create a knowledge base for application in a variety of computer programs by technology,

knowledge engineering, or Knowledge Engineering, which is responsible for system development, collection and arrangement. Collect and share knowledge from field experts applied to computer technology Especially Internet technology or Web 4.0 in order to manage knowledge for running more intelligently and with is more automatic at present There are several Ontology programming languages for sharing and exchanging Web-based data, such as OWL (Web Ontology Language) standards, RDF standards (Resource Description Framework, XML Languages (Extensible Markup Language)), and URI (Uniform Resource Identifier) reference standards. And today, at least two leading academic institutions have created tools to support the development of Ontology: Stanford University's Protege program and Osaka University's Hozo program.

The real mission of Thai Higher Education

At present, although the main missions of higher education institutions by the Office of the Higher Education Commission are based on four things: producing graduates, research, and providing academic services to society and preserving arts and culture, but in the context of the 4.0 era, higher education institutions or universities in the big picture It is necessary to accelerate the creation of new missions. This is considered a new standard and quality that universities must turn to focus on the hidden mission in the form of bringing innovation or advanced information and communication technology to be part of the four main missions, namely graduate production, research, providing educational services. academic to society and preserving arts and culture by presenting in the form of new knowledge to society by applying innovation or information and communication technology in teaching and learning management Whether it is robot technology or Robotics Technology, which includes unmanned aerial vehicle technology or Drone Technology and driverless car technology or Automatic Cars, there is also 3D printing technology (2017).

Including requiring providing teaching and learning in a new way, taking into account the concept of FinTech or financial technology. Combined with theories about Web 4.0 or Symbiotic Web with Semantic-based Knowledge Management or Semantic Knowledge Management. To integrate in the management of education in the 4.0 era, the main point is that Higher Education 4.0 will not become a forgotten field of higher education can only be considered when adding new missions in innovation or information and communication technology to be integrated into the main mission of higher education institutions by the Office of the Higher Education Commission society and the preservation of arts and culture, which means producing graduates 4.0, research 4.0, providing academic services to society 4.0, and nurturing arts and culture 4.0 by inserting hidden missions in the form of bringing innovation or information and communication technology to be applied in teaching and learning management In addition to being in line with the context of the world 4.0 era, higher education institutions or universities in the big picture is also consistent with the phrase When the world is not the same: a new adaptation of the university must happen, too.

Conclusion. The true mission of Thai higher education These are the production of graduates ４.０, research ４.０, academic services to society ４.０, and the preservation of arts and culture ４.０, which must accelerate the insertion of latent missions in the form of applying innovations or information and communication technologies in teaching and learning management. To be in line with the context of the world ４.０ and education ４.０, whether it is robot technology or Robotics Technology, Unmanned Aircraft Technology or Drone Technology, Autonomous Car Technology or Automatic Cars, ３D Printing Technology or ３D Printing Financial Technology or FinTech theory Web ４.０ or Symbiotic Web using Semantic-based Knowledge Management to help manage knowledge. This is to encourage personnel in higher education institutions in the era of Education ４.０ to unravel their concepts from the original framework that had been done and is being worked on to a new adaptation to be consistent with the current situation because higher education institutions are academic centers as a flag for society And it is the foundation of the country's mindset, which is what higher education institutions can bring to the country's progress as well as the world's leading universities whether it be Harvard University or Oxford University to drive development in various fields Up in the country, especially in the Thailand ４.０ era, the world is not the same world anymore. And in order to be in line with the Thailand Education ４.０ era, which is considered the era that has entered the ２１st century, Thailand must look at productivity in a manner that can keep up and move forward.

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The civil society in Hong Kong in the aftermath of the COVID-19 pandemic: The impact of law of the people's republic of China on safeguarding national security in the Hong Kong special administrative region

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ABSTRACT

The present article addresses the origins and potential effects of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region as adopted on June 30, 2020 by the Standing Committee of the National People's Congress of the People's Republic of China on the contemporary civil society of Hong Kong. Based on the critical analysis of the academic literature, norms of constitutional jurisprudence pertaining to the legal status of Hong Kong within China, and relevant news items, this study shows why the adoption of that national security law should be considered a rupture in the evolution of the political regime of the former colony that was originally inspired by the liberal rule of law model based on the maxim of "one country, two systems". In the 2010s, the progress of the integration of the Hong Kong liberal rule of law system to the socialist rule of law in mainland China has led to increased civil society mobilizations in the Hong Kong region, which was accompanied by tendencies toward a certain radicalization of part of the local civil society. In this context, the national security law implements a series of reforms to the institutions of the autonomous region of Hong Kong, while codifying new criminal law provision that entail a limitation of the possibility for Hong Kong-based local civil society organizations to defy the socialist system of the People's Republic of China.

KEYWORDS: civil society, Hong Kong Special Administrative Region, People's Republic of China, national security law

1.Introduction. In the aftermath of the outbreak of the COVID-19 pandemic, the Hong Kong Special Administrative Region is undergoing the greatest political and institutional transformation since the return of sovereignty of the former British colony to the People's Republic of China in 1997. After the consolidation of economic integration between the autonomous region and mainland China In the 2000s, the central government accelerated the integration of Hong Kong's legal and institutional system with that of mainland China. This integration encouraged a wave of civic protests, whose genesis dates back to 2012 with the mobilizations against the introduction of patriotic education in schools and which escalated in 2014, with the so-called 'umbrella movement' that claimed the extension of universal suffrage. After these mobilizations, a new generation of political actors emerged that was unable to access the institutions due to the creation by the central government in 2016 of an ideological filter of candidates for the elections, thus questioning the political pluralism that had historically characterized Hong Kong society (Hung & Ip, 2012). Later, in 2019, the protests against the legislative amendment project to create a system for the extradition of prisoners to mainland China reached an unprecedented level of violence, causing a "perfect storm" and the paralysis of the region's institutions (Chan, 2019). In response to this situation, the central government promulgated the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (hereinafter LNS), adopted on June 30, 2020 by the Standing Committee of the National People's Congress of the People's Republic of China, to prevent both new threats to public order and the development of pro-independence movements (Lo, 2020).

In effect, the central government presented the LNS as a reform of the "one country, two systems" principle, which adapts administrative autonomy to the recent radicalization of part of Hong Kong civil society. For this reason, the law has been introduced in the annexes of the Basic Law of the autonomous region, thus giving it a constitutional normative rank in the Hong Kong legal system (*National Laws to be Applied in the Hong Kong Special Administrative Region,* 2021). With the entry into force of the LNS, liberal observers would refer to the greatest reduction in freedoms since the creation of the autonomous region, deepening its gradual transition towards authoritarianism in the last decade, as part of the literature on Hong Kong constitutional law had pointed out (Chan, 2018). In this context, this study analyses the origin of the LNS and its impact on the institutional framework and the regime of fundamental rights and freedoms of Hong Kong, based on a critical analysis of the literature in law and political science, of the regulations and norms of constitutional jurisprudence of the region, and relevant media reports. To do this, this article will examine, first, the evolution of the Hong Kong political system from its creation in 1997 to its recent exposure to the socialist rule of law model; and, second, the origin and content of the LNS, especially in relation to the limits it imposes on the freedom of action for liberally minded Hong Kong civil society organizations.

2.Literature Review. Although the expression "one country, two systems" has been popularized in the Western media to characterize the specificity of Hong Kong's political system, its origin lies in the Chinese government's policy towards Taiwan that began in 1979 with the rise to power of Deng Xiaoping (Vogel, 2011, pp. 477-487). Thus, in a 1983 speech on the peaceful reunification of mainland China and Taiwan, Deng coined this expression and promised to respect the island's capitalist system, independent judiciary, and armed forces (Deng, 1994, pp. 28-29). For this, the Constitution of the

People's Republic of China of 1982 included in its Article 31 the creation of "special administrative regions" if circumstances so require. In September 1984, with the visit of Margaret Thatcher to Beijing, Sino-British negotiations began to resolve the situation in Hong Kong with a view to ending in 1997 the cession of the "New Territories" to the north of the Kowloon peninsula, agreed by the Chinese Empire and the United Kingdom in 1898. Faced with the possibility that China would adopt a unilateral solution, the United Kingdom ended up accepting an agreement for the return of sovereignty in which the Chinese government promised to maintain the prosperity and stability of Hong Kong within China. The Sino-British Joint Declaration of December 19, 1984 established that the return would take place on July 1, 1997 and that for 50 years the inhabitants of Hong Kong were guaranteed to maintain their 'economic and social systems', 'way of life' and 'public policies' (Chen, 2009). Then began the process of drafting the Basic Law by a committee made up of experts from Hong Kong and mainland China to normatively develop the 'high degree of autonomy' of the future Hong Kong Special Administrative Region. The text was presented on February 17, 1989 at a special ceremony to Deng Xiaoping, who described the draft law as an "innovative masterpiece" (Vogel, 2011, p. 508) and was finally adopted by the National People's Congress on April 4, 1990.

However, the events in Tiananmen Square on June 4, 1989 ended the dynamic in which the diplomatic negotiations had developed. Then a march in support of Chinese students took place in Hong Kong in which a million people participated, a sixth of its population. Since then, every year a vigil ceremony has taken place in Victoria Park with the participation of thousands of citizens building a collective memory of the events that is alternative to the official one (Cheng & Yuen, 2019). In addition, the British government appointed Chris Patten, a critic of the Chinese government, as the colony's last governor, rather than a diplomat with expertise in Chinese affairs as his predecessors had been. In 1991, the colonial administration adopted a reform so that part of the seats in the Legislative Council – the region's single-chamber parliament – were elected by universal suffrage, provoking complaints from the central government for distancing itself from previous agreements. This reform gave rise to the current system of political parties in the region dominated by the Democratic Party and the Alliance for the Improvement and Progress of Hong Kong, divided by cleavage, which structures the entire political life of the region, into two factions: the yellow pro-democracy (pan-democrat) and the blue pro-central government (pro-establishment) (Lam, 2010, pp. 58-62). In theory, the Basic Law thus guaranteed the maintenance of political pluralism, freedom of expression and the holding of free elections to elect part of the representatives of the autonomous region who should progressively increase their share in the local parliament.

Effectively, though, the subsequent evolution of the Hong Kong political system has ended up confirming the conception of the principle of "one country, two systems" through the use of the scarce but decisive mechanisms of articulation of the two legal and administrative systems. One may refer here to the progressive reduction in the number of members of the legislative branch elected by universal suffrage and the growing power to interpret the Basic Law of the region by the Standing Committee of the National Assembly of the People's Republic of China. Regarding the second mechanism, the interpretations are binding for the Hong Kong authorities to guarantee the constitutionality of the

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administrative acts and laws adopted by the autonomous region (Zhu & Chen, 2019). In this way, on November 7, 2016, the Standing Committee pronounced its interpretation of Article 104 of the Basic Law regarding the obligation to swear to the Constitution of the People's Republic of China by judges, officials and representatives before assuming public office (Qin & Zhou, 2019). The committee decided that oaths that do not read the exact terms established in the law or that are made in "a manner that is not sincere or solemn" should not be considered valid (Zhu & Chen, 2019). On this basis, the regional government obtained from the courts the annulment of the election of five members of the Legislative Council who had become public figures during the 2014 'umbrella movement' and who had criticized China in their oaths. In addition, the regional government introduced from then on in the registry of candidacies a control on the previous public declarations of the possible candidates (Zhu & Chen, 2019). In short, the central government introduced an ideological filter in Hong Kong to exclude candidates in favour of independence or self-determination in the region.

The central government was then able to develop its conception of the "one country, two systems" principle weakly developed in the Sino-British Declaration of 1984 and the Basic Law. For Beijing, this model did not imply political autonomy comparable to that of other regions of asymmetrical unitary states (Henders, 2010). On the other hand, for pro-democracy Hong Kong political actors, the Basic Law had until then represented a kind of founding myth of a rule of law of British heritage that should evolve towards full democratization without questioning its belonging to the People's Republic of China (Fong, 2017). For all these reasons, one may consider that the expression "one country, two systems" should not be confused as a general principle of law or a constitutional doctrine as part of the literature had previously suggested to characterize the "unprecedented constitutional experiment" of the Basic Law (Chan et al, 2000, p. 4]. On the contrary, the expression "one country, two systems" must therefore be understood as a floating signifier, closer to ideological work than to legal sciences. This signifier is ambiguous enough to match a priori incompatible ideological positions, so that its legitimating effectiveness has diminished over time (Scott, 2017).

Much has been written about the "long march towards the rule of law" in the People's Republic of China (Peerenboom, 2002), an issue that goes beyond the scope of this study. However, it should be briefly noted that, since the creation of the People's Republic of China, the conception of the legal system (*fazhi*) has moved from classical Marxist legal theory and the Soviet model to its own theory since 1978, as synthesized in the expression 'govern the country according to the law' (*yifa zhiguo*), which served as the basis for the reforms to reduce the personalist exercise of power that marked the Cultural Revolution, increase the institutionalization of the state apparatus and introduce the socialist market economy (Li, 2019, pp. 21-47). After Xi Jinping came to power in 2012, a new stage was opened with the official adoption of the "socialist rule of law theory with Chinese characteristics" in the decision of the 4th Plenum of the 18th National Congress of the Communist Party of China on October 23, 2014. This decision represents the first time in the history of the Chinese Communist Party and the People's Republic of China in which a plenary meeting of the party addressed the issue of the socialist rule of law (Li, 2019, p. 34). As Lin Li, a law researcher at the Chinese Academy of Social Sciences, puts it, "promoting governance through law in a comprehensive manner will never weaken the leadership of the Communist Party of China, but, on the contrary, will strengthen the ruling basis, strengthen ruling

authority, enhance ruling ability, and raise the governance level of the Communist Party of China" (Li, 2019, p. 5). Furthermore, the theory sanctioned at the 18th National Congress of the Communist Party of China in 2014 would deepen the original Marxist conception of law as a relationship of domination. This theory thus comes to discursively legitimize the growing penetration of the Party in the State since Xi Jinping came to power. These considerations may allow one to understand the ideological basis that inspired the limits on political rights imposed on Hong Kong since 2016. In this context, the political pluralism present in the autonomous region must be understood as a kind of transitory exception close to its end, the result of the past diplomatic agreements, whose integrity and stability over time is not guaranteed. In other words, political pluralism in Hong Kong is subordinate to the maintenance of public order and national unity, which would have corresponding implications for the local civil society in its relationship with the state.

3.Methodology. Consequently, this article explores the case study of the LNS through a lens of the Chinese central government's continuous attempts to assimilate the Hong Kong Special Administrative Region to the socialist rule of law system through adopting a new approach toward penalizing 'political' crimes, under which category a bulk of previously acceptable activities of Hong Kong civil society would be considered from now on. The article thus argues that the tension between the Basic Law and the LNS would be ultimately solved in favour of the latter, hence representing an expression of the criminal law of the enemy, a phenomenon that has been discussed in depth from the doctrinal point of view by Günther Jakobs (Golser, 2016). This phenomenon, close to Carl Schmitt's theory of the absolute State, presumes the establishment of the category of exceptional crimes and procedures, in which the rule of law is suspended to combat the state's enemies (Lehtinen & Brunila, 2021). The criminal law of the enemy is distinguished from the criminal law of the citizen following a warlike and anti-liberal logic, as could be observed in contexts marked by the presence of terrorist movements whose danger to the maintenance of institutions justifies this exceptionality in the eyes of governments (Lehtinen & Brunila, 2021). Accordingly, the analysis of the effects and repercussions of the LNS for Hong Kong civil society after 2020, against the background of the COVID-19 pandemic, a phenomenon that would already fall under the Schmittian notion of the state of exception (Lehtinen & Brunila, 2021) will proceed from the aforementioned methodological perspective to allow the researcher to either prove or disprove that contention.

4.Results. The evolution of the Hong Kong political system in the last decade shows that a new generation of political leaders could not access the institutions, thus preventing the renewal of political personnel or the introduction of new issues on the government agenda. This non-permeability of the system contributed to increasing society's distrust of the authorities and contributed to the radicalization of the protests, as was evident in the anti-extradition movement in 2019. Regarding the origin of these protests, in the first place, it should be noted that the Basic Law does not regulate powers related to national security. Thus Article 23 of the Basic Law is limited to establishing that the Hong Kong authorities must adopt the necessary laws to guarantee the criminal prosecution of acts of "treason, secession, sedition and subversion against the central government" and prevent activities of foreign political organizations in the region. In 2003, the regional government attempted to adopt the national

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security law, provoking the largest citizen mobilization since the demonstration in support of the student protests in Tiananmen in 1989 (Lo, 2008, pp.151-183). Various civil society groups considered the law a threat to their civil rights and liberties and gathered around half a million people in a peaceful march on July 1, 2003. Tung Chee-wha, the region's first Chief Executive, two months later he announced the abandonment of the bill due to the lack of a majority in the Legislative Council and resigned two years later. The following regional governments did not attempt to legislate on the matter, until, in April 2019, the Chief Executive Carrie Lam announced the legislative amendment project by which an extradition mechanism would be created between the autonomous region and the People's Republic of China. Between April and November 2019, the escalation of protests against the proposed amendment reached a degree of violence between police and protesters unprecedented in the region. The government's perseverance in not withdrawing the bill until September 4, 2019, and outrage at an unprecedented police crackdown (Purbrick, 2019) contributed to transforming the essentially peaceful anti-extradition movement based on mass marches into an openly violent anti-government revolt (Lo et al., 2021). Among the most serious acts were the attack and occupation of the Legislative Council and the attack on the façade of the central government's Liaison Office on July 1 and 21, respectively; the attack on protesters by triads at the Yuen Long subway station on July 27, 2019; and the siege by the police on the campus of the Hong Kong Polytechnic University in which protesters took refuge from November 17 to 29 and during which more than a thousand people were arrested (Purbrick, 2019). These events contributed to polarizing previous political positions, leading to a blockade of the Hong Kong Legislative Council. Council members belonging to the pro-democracy camp adopted practices of parliamentary profligacy such as absenting themselves from meetings in order not to reach the quorum of the chamber, or directly interrupting them, or blocking the renewal of the House Committee and parliamentary committees (Lo et al., 2021). In this new scenario, the adoption of a law related to national security by Hong Kong institutions, as established by the Basic Law, ceased to be a politically complex task and became practically impossible. The central government then decided to promote the adoption of the LNS directly, taking advantage of the fact that, in the midst of the COVID-19 pandemic, protests had been reduced in Hong Kong due to health restrictions (Ismangil & Lee, 2020). The adoption of the LNS on June 30, 2020 must therefore be understood as the response to the radicalization of part of Hong Kong society and the blockade of its institutions after the political crisis of 2019.

Certain aspects of the central government's discourse to justify the promulgation of the LNS may be notable here. For instance, at the press conference to launch the LNS, the Director of the Liaison Office of the central government in Hong Kong explained that the law aims to end "loopholes", protects the principle of "one country, two systems" and puts " a sword" on "the minority that threatens national security" (China Daily, 2020b; Ng et al., 2020). Article 62 of the LNS establishes that the text prevails over the ordinary laws of the region, while Article 65 vests the power to interpret the law in the Standing Committee of the National Assembly of the People's Republic of China, as is the case with the Basic Law. Based on the foregoing, the LNS can be analysed at two levels, first, the institutional reforms that it operates and, second, the characterization of new criminal offenses in norms with constitutional status. The law has created new public bodies that represent the largest exception to date to the general principle

"Hong Kong residents rule Hong Kong". The law thus creates the Office for the Safeguarding of National Security in charge of intelligence tasks. This body is made up of Chinese officials and has the power to investigate the commission of crimes that, in some extremely serious cases, can be referred to the judicial system of mainland China (Article 55 of the LNS). The law further contemplates for the first time the possibility that certain crimes committed on Hong Kong soil be tried in mainland China, although this is only limited to emergency situations that are considered to threaten national integrity. The text also creates a special division of prosecutors in charge of investigating cases related to national security whose nomination must be approved by the aforementioned committee (Article 18). In addition, the law creates a specialized department within the regional government police authorized to recruit personnel from "outside Hong Kong" (Article 16), thus opening the door to the incorporation of Chinese officials. The LNS also creates the Committee for the Safeguarding of National Security in charge of coordinating and proposing public policies, made up of members of the regional government cabinet and chaired by the Chief Executive. In addition, an "advisor" appointed by the central government also participates in the committee (Article 15). On July 3, 2020, Liaison Office Director Luo Huining was appointed to this position (China Daily, 2020a). The issues incorporated in the notion of national security are so broad and the fact that the meetings of this committee are not public, reinforces the authority of the Director of the Liaison Office, which becomes de facto a key body in the Hong Kong executive branch (Lee, 2020). This can be interpreted as a centralization of powers and also as the end of the biggest legal vacuum in the Hong Kong system in terms of coordination between the central and regional governments. To date, the powers of the Liaison Office have not been regulated in any legal text. In fact, as its name suggests, this office is a kind of hindrance from the colonial era when there was no official Chinese diplomatic representation in the former colony. The application of the law has in fact increased the powers of the Director of the Liaison Office as a representative of the central government who until now acted as a kind of an informal prefect (Lo, 2021). Last but not least, the law includes other programmatic aspects that should guide the legislative agenda and public policies in the region through the work of the Committee for the Safeguarding of National Security. Among them, the regulation and supervision of "matters related to national security, including those related to schools, universities, social organizations, the media and the Internet" (Article 9) stands out. The implementation of this generic objective cannot be prejudged, but in theory it could contemplate the possibility of including Hong Kong within the 'Great Firewall', the internet network semi-closed to the rest of the world present in mainland China, which it would deprive activists of their main resource for mobilization. In the same way, it is expected that this rule will serve as a basis to restrict foreign journalists from obtaining residence and work permits (Davidson, 2020). It is also possible to expect the adoption of new measures affecting the personnel of primary, secondary and higher education, which may strengthen patriotic education in schools and reduce the academic autonomy of universities (Davidson, 2020; The Standard, 2020b).

In addition to these institutional aspects, the LNS creates new criminal offenses such as secession, rebellion, collusion with foreign agents, terrorism, and advocacy of terrorism. These offenses mostly require violent actions against property and/or persons in a manner comparable to criminal law in other liberal states of law. However, the effects of the LNS on freedom of information far exceed what one

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can observe in other legal systems. In particular, Articles 21 and 23 of the law establish that the person who 'incites' others to commit the crimes of rebellion or secession, respectively, may be sentenced to up to ten years in prison. These crimes of incitement can therefore originate from oral or written public statements made by any individual, whether a public figure or not, in a demonstration, social networks or the media. On the other hand, the actions considered within the crime of collusion with foreign forces, provided for in Article 29 of the law, go beyond the traditional espionage and conspiracy activities, to include "provoking hatred" towards the central and regional governments and participating in the imposition of sanctions against China from abroad. However, the fact is that the field of law enforcement is probably the LNS's most controversial aspect. The law expressly includes organizations and companies, such as foreign media, in addition to contemplating the possibility of charging these crimes against foreign and Hong Kong citizens for acts committed outside Chinese territory (Articles 37 and 38). Thus, nationals or foreigners who set foot on Chinese soil could in theory be charged for having made public statements from abroad that until now fell within the exercise of freedom of expression in Hong Kong. One may refer, for example, to declarations in favour of independence, calls to participate in unauthorized demonstrations or concentrations or defend the imposition of sanctions against China by foreign governments. Based on the foregoing, after the entry into force of the LNS on July 1, 2020, the authorities have charged numerous citizens of these crimes, opening the respective judicial processes. However, as of early 2022, no sentence has been pronounced, so one may only refer to fragmentary information from the media and the social network profiles of activists who have been affected by respective proceedings.

Regarding the impact of the law, its dissuasive effects must also be highlighted. Thus, on the same day that the LNS was adopted, the leaders of the pro-democracy political party Demosisto created in 2016, Joshua Wong, Nathan Law and Agnes Chow, announced their resignation to avoid criminal prosecution (The Standard, 2020a). In the following months, the most mediatic activists in Hong Kong have chosen to self-exile and have applied for asylum in order to continue acting politically in their host countries (Wong, 2020; Cheng, 2021; Wu, 2022). Glacier Kwong and Alex Chow, activists from student movements who became public figures during the umbrella movement, found themselves in the situation of exile, in Germany and the United States respectively. One can also mention find former members of the Legislative Council Ted Hui (Australia), Nathan Lau (UK) and Leung Chung-hang (USA); and other publicly significant activists in the 2019 anti-extradition movement such as Brian Leung (USA) and Simon Cheng (UK) (Cheng, 2021; Wu, 2022). It is also worth mentioning the process opened against 47 people —among whom one finds academics, political professionals, and young activists— who participated in the "35 plus campaign" and organized non-official primaries to choose the candidates for the next scheduled legislative elections for September 2020 that were postponed to the following year due to the pandemic (Low, 2021; Wong, 2021). These primaries took place on July 11-12, 2020 with the participation of more than 600,000 people, and with them they sought to select the most popular candidates to prevent pro-democracy candidates from competing with each other in the same constituencies. It was hoped in this way to obtain the majority of seats in the Legislative Council for the first time. The organizers of the primaries have been accused of the crime of conspiracy to subvert the power of the State (Article 22 of the LNS) based on public

statements in which they expressed their intention, once the next legislative elections are held, to block the Legislative Council by voting against the region's budget law (Wong, 2021). The case with the most repercussions has been the accusation of collusion with foreign forces against Jimmy Lai, a business tycoon who owns the media conglomerate Next Media, to which the popular pro-democracy newspaper *Apple Daily* belongs (Davidson & Kuo, 2020). The facts that have given rise to this accusation are unclear and appear to be related to an informal group of activists and journalists who contacted the British government and Western media to denounce the actions of the Hong Kong government during the 2019 political crisis. To do this, they coordinated online fundraising campaigns and even hired professional lobbying services in the UK (Davidson & Kuo, 2020). Finally, at the demonstration traditionally held of July 1, 2020, the police arrested five people because their banners contained references to 'independence', which was construed as going counter to the newly promulgated LNS (Borger et al., 2020). A protester who rammed the police with his motorcycle while waving a black flag bearing the slogan "Liberate Hong Kong, revolution of our times" was also arrested and is currently awaiting trial on charges of secession and incitement to secession (Borger et al., 2020). The day after the demonstration, the regional government published a statement informing that reproducing in public through banners or chants the slogan "Liberate Hong Kong, revolution of our times", popularized on social networks and in anti-extradition marches, "connotes the independence of Hong Kong" and may therefore constitute the crimes of incitement to rebellion and secession (The Government of the Hong Kong Special Administrative Region, 2020). All these cases may then be viewed as denoting the scope of the LNS as far as its use as a tool to constrain and restrict the activities of Hong Kong liberal civil society in its various forms may be concerned – hence making this civil society be treated as an enemy of the state.

5.Conclusion. In the last decade, the mobilizations in Hong Kong have multiplied to the point of reaching revolutionary overtones, causing the central government's strategy to harden, culminating in the adoption of the LNS. This law, despite representing the largest reform of the Hong Kong political system since the creation of the region, does nothing more than continue the long-term strategy of the central government for the integration of the autonomous region that began in 1997 and that should be completed in 2047. Hong Kong society is thus halfway along the path traced by the agreements for the decolonization of the territory, and everything seems to indicate that the central government has decided to accelerate the legal and political integration of the region, without a doubt the most complex task of this process. Although the LNS has alleviated the legal vacuum of the Basic Law in matters of public order and intelligence activities, the text has deepened the reduction of freedoms and political pluralism to which Hong Kong society has been accustomed. The LNS thus represents the last nail in the coffin of the Hong Kong liberal rule of law, since not only are certain independence options of the institutions excluded, but their public expression becomes a crime following the logic of the criminal law of the enemy that one can find in countries with presence of active terrorist groups. The LNS represents, accordingly, a sort of criminal law of the enemy of a preventive type that seeks to exclude from the public space the manifestation of certain political options that can feed the ideological radicalization of part of civil society. Indeed, although the violence present in the 2019 protests reached unprecedented

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levels for the region, the anti-extradition movement cannot be compared to armed or terrorist movements present in countries that have adopted measures comparable to the criminal law of the enemy. Finally, the LNS has caused the voluntary exile of a generation of activists turned into political leaders after their participation in the 'umbrella movement' of 2014 and the anti-extradition movement in 2019. In this way, we are witnessing the transformation of the pro-democracy movements of Hing Kong into an international network of organizations and public figures particularly active in the UK, U.S., Canada and Australia. This network is currently dedicated to assisting Hong Kong citizens who decide to settle abroad for political reasons, lobbying foreign governments to try to reduce the penetration of the Chinese government in their countries and, more generally, offering for dissident Hong Kong communities some spaces free of information and debate about their identity and the political evolution of the region. This phenomenon should be studied in future research that may deal the construction of the Hong Kong diaspora as a transnational political actor and its impact on relations between China and Western countries.

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The civil society in Hong Kong in the aftermath of the COVID-19 pandemic: The impact of law of the people's republic of China on safeguarding national security in the Hong Kong special administrative region

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รายนามผู้ทรงคุณวุฒิพิจารณาบทความ (Peer Review)

Professor . Dr. Valentin Yakushik . (Ukrainian Institute of Politics – think tank) Ukraine (Kyiv,Ukraine)

Professor . Dr. Nataliaa Pavlikha (Lesya Ukrainka Eastern European National University) Ukraine

Assoc. Professor Dr.Ganna Duginets Kyiv National University of Trades and Economics (Kyiv ,Ukraine)

Assoc. Professor Dr. Tony sowang kuo Shih Chien University(Taipei, Taiwan)

Assistant Professor Doctor.Ivan Savchuk(National Defense University of Ukraine name after Ivan Cherniakhovskyi)Ukraine

Dr.Sofiia Dombrovska .Odesa National Economic University(Odesa, Ukraine)

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ดร.สุกัญญา สุดารารัตน์   มหาวิทยาลัยราชพฤกษ์

บทความทุกเรื่องที่ตีพิมพ์เผยแพร่ได้ผ่านการพิจารณาทางวิชาการโดยผู้ทรงคุณวุฒิในสาขาวิชา (Peer review) ในรูปแบบไม่มีชื่อผู้เขียน (Double-blind peer review) อย่างน้อย2 ท่าน
บทความที่ตีพิมพ์เป็นข้อค้นพบ ข้อคิดเห็นและความรับผิดชอบของผู้เขียนเจ้าของผลงาน และผู้เขียนเจ้าของผลงาน ต้องรับผิดชอบต่อผลที่อาจเกิดขึ้นจากบทความและงานวิจัยนั้นต้นฉบับที่ตีพิมพ์ได้ ผ่านการตรวจสอบคำพิมพ์และเครื่องหมายต่าง ๆ โดยผู้เขียนเจ้าของบทความก่อนการรวมเล่ม