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CONTENT

A MULTI-PERSPECTIVE VIEW ON THE CONCEPT OF SOCIAL PROTECTION AND THE ROLE OF SOCIAL WORK IN (NOT ONLY) WARTIME CONDITIONS

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Abstract

The purpose of this article is to explore the multifaceted dimensions of the concept of social protection and the role of social work in (not only) wartime conditions. This is necessary, because social workers are often acting "helpless" confronted with massive global crises or even wars or war-like conditions. This article tries to sharpen the possible role and position of social work and with this the expectations on the discipline and profession of social work.

To reach this, this article wants to shed light on the subject and the understanding of "crisis" and the different perspectives surrounding the interdisciplinary and multi perspective concepts of social protection, social support, and resilience.

This perspective allows to a better understanding of the underlying principles, challenges and potential solutions related to social protection in times of crisis. In times of crisis, ensuring social protection and social support becomes an urgent priority for affected populations and even individuals. Social protection encompasses a wide range of measures designed to protect individuals and communities from the adverse effects of crises and to provide them with the necessary resources and assistance to cope with the challenges they face.

This article is on the one side a s theoretical examination of the key terms. On the other hand directly affected people have their say: The co-author as a Ukrainian narrates her migration experiences and the results of a student - peer project with affected refugees from Ukraine in Eastern Switzerland are presented.

The results are concrete and surprise at some points and sharpen the task and role of social work: First, feeling safe and getting (social) support and psychological assistance in the trauma and war situation is much important even to feel welcome and resurrected. But then mobility, networks, and the change to support their families, relatives and friends at home have a great importance. It is also very important to be able to travel to Ukraine (home) from time to time and to be able to return to the host country. The task of social work is a very special one: It is not primarily the role of the benefactor and care giver, but of the professional who makes things possible and supports and empowers the people who feel it. The article also makes clear, that a one-dimensional and static understanding of crisis, flight, migration and needs no longer works in today's world global situations and crisis.

Keywords: Social work, social protection, social support, crises, war in Ukraine, Ukrainian refugees, needs.

Introduction

Not only, but then finally with the invasion of Russia on Ukraine, the world and especially Europe is out of control. The world and Europe are on fire. In recent times, there have not been so many people on flight as since the Ukrainian war started in 2022. Further global crises such as Hamas attack on Israel Oktober 2023, climate crisis and the catastrophic consequences of earthquakes, storms and floods take countless people's livelihoods, often only the flight and the search for a safe and better place, temporary or for a longer period.

The importance of social, protection and social support is essential and important even the understanding of crisis and specific war time situations. However, the role and specific tasks of social work are not clear: Where does this profession differ from disaster rescue or the offers and support of the red cross, for example? What are the specific needs of the people affected and their expectations of the profession of social work?

In this article we will explicate this, using the example of the Ukraine war and the experience and needs of refugees in this context. After clarifying the central terminology, we will also draw on qualitative empirically gained knowledge: Thus, the co-author of the article *Svitlana Hrytsai* reports on her own experiences of war and flight. Subsequently, we will present a student / peer research project with refugees from Ukraine at eastern Switzerland. Together with researchers and the people concerned, students have worked out and recorded their needs and experiences as refugees from the Ukraine war. A conclusion closes the article with a summary of the finding positions and recommendations.

1. Social Work

International Federation of social workers defined social work as a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility, and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledges, social work engages people and structures to address life challenges and enhance wellbeing.[1] The above definition may be amplified at national and/or regional level.

The International Council on Social Welfare describes social work as a profession that focuses on empowering individuals, groups, and communities to overcome social, economic, and environmental challenges. It involves promoting social development, equality, and the realization of human rights.[2]

The specific role and mission of social work in global crises and war situations in the context of flight and migration is not easy to name. Disaster relief, humanitarian aid, emergency aid and volunteer aid are difficult to delineate. If social work wants to offer some support and sharpen their role, it needs supplementary theoretical points of reference and orientation.

2. Social Protection, Social Support and Resilience

Social protection is defined by United Nation Research Institute for Social Development and is concerned with preventing, managing, and overcoming situations that affect people's well-being. Social protection consists of policies and programs that aim to reduce poverty and vulnerability by promoting efficient labor markets, reducing people's exposure to risks, and improving their capacity to

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[1] Global definition of social work // IFSW. URL: https://www.ifsw.org/what-is-social-work/global-definition-of-social-work. [L. s. 03.07.2023].
[2] Social work // ICSW. URL:
https://www.icsw.org/index.php/component/search/?searchword=SOCAIL%20WORK&searchphrase=all&Itemid=101. [L. s. 03.07.2023].

cope with economic and social risks (unemployment, sickness, disability, or old age). [3] The International Labor Organization defines social protection as a set of policies and programs designed to provide individuals and communities with security against social risks, including poverty, unemployment, illness, disability, old age, and other vulnerabilities. It encompasses a range of interventions, such as social insurance, social assistance, and social services, aimed at reducing poverty and inequality. [4]

From the perspective of social work, the definition from the United Nations Development Programme is the most relevant: The UNDP defines social protection as a system of policies, programs, and institutions that aim to ensure individuals and communities have access to basic social services, income security, and social rights. It includes measures to promote equitable development, reduce poverty, and enhance human capabilities. [5]

Social support now is defined from the American Psychological Association defines the provision of assistance or comfort to others, typically to help them cope with biological, psychological, and social stressors. Support may arise from any interpersonal relationship in an individual's social network, involving family members, friends, neighbors, religious institutions, colleagues, caregivers, or support groups. It may take the form of practical help (e.g., doing chores, offering advice), tangible support that involves giving money or other direct material assistance, and emotional support that allows the individual to feel valued, accepted, and understood. [6] Berkman and Glass describe social support as the various forms of assistance, information, and companionship provided by social networks and social relationships. It influences individuals' health behaviors, coping strategies, and overall well-being. [7]

As we can see from the definitions of social protection and social support, they are interrelated, as both aim to address the well-being and needs of individuals and communities in difficult circumstances or times of crisis. Social protection and social support are seen as tools used by states to address the impact of various social risks and crises.

This is also confirmed by the resilience concept: The concept originally describes the resilience in the development of young people, how they can grow up successfully despite unfavorable conditions. In a long-term study over 30 years, Werner investigates and describes what makes people resilient to negative and stressful factors in their lifelong development. The results can be summarized as follows: One of the most important factors is "Social Support" - whether from parents, friends, relatives, or neighbors – this is one of the central protective factors. Based on this understanding, interaction with primary caregivers is of central importance in the development of resilience. Various authors today also equate the concept of resilience with the concept of secure attachment. [8]

3. Social Protection and Social Support in times of Crises

In times of crisis, social protection and social support are essential. In such circumstances, social protection systems and social support mechanisms play a crucial role in mitigating the effects of the crisis and ensuring the well-being of vulnerable people. Crises have always accompanied humanity, be it wars, natural disasters, pandemics or political crises. Of course, all these crises usually have consequences, which are primarily affected by people. In these situations, social protection systems and social support mechanisms play an important role in alleviating the impact of the crisis and ensuring the general welfare of people.

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[3] Social protection. URL: https://archive.unescwa.org/social-protection. [L. s. 05.07.2023].
[4] Social protection // ILO. URL: https://www.ilo.org/100/en/story/protection/. [L. s. 05.07.2023].
[5] Poverty: UNDP`s Social ptotection offer. November 23, 2022. URL: https://www.undp.org/iran/publications/poverty-undps-social-protection-offer. [L. s. 05.07.2023].
[6] Social support // APA Dictionary of Psychology. ULR: https://dictionary.apa.org/social-support. [L. s. 05.07.2023].
[7] Berkman, L.F., Glass, T., Social integration, social networks, social support and health. In: Berkman, L.F. and Kawachi, I., Eds., Social Epidemiology, Oxford University Press, New York, 2000. p. 159.
[8] Werner, E. E., Looking for trouble in paradise: some lessons learned from the Kauai Longitudinal Study. In E. Phelps, F. F. Furstenberg & A. Colby (Hrsg.), Looking at lives: American longitudinal studies in the twentieth century (S. 297–314). New York: SAGE, 2002.

Following recent events around the world, the term "crisis" is probably one of the most used words in everyday conversations these days. The term "crisis" has become part of everyday conversation because of its relevance, emotional impact, widespread media coverage and its ability to capture the gravity of significant events and challenges facing individuals and societies. It is used to describe personal, e.g. private, situations, but more often it is used to describe a state in which society as a whole, or individual organizations and systems within it, find themselves, with potentially negative consequences. However, despite its prevalence, the term lacks a precise and consistent definition. Instead, it is subject to a variety of interpretations, often at odds with each other.[9]

According to International Encyclopedia of the Social Sciences crisis is an event that is perceived as an intolerable difficulty, disruption, or threat to an individual, organization, or community and requires urgent attention and immediate action.[10] A crisis is a critical moment that tests the resilience, adaptability, and decision-making capabilities of individuals, leaders, or societies. Also, crises is defined as a specific, unexpected, and non-routine event or series of events that create high levels of uncertainty and threat or perceived threat to an organization's high priority goals[11]. In an even broader perspective, the term crisis is applied to situations that are unwanted, unexpected, unpredictable, and almost unthinkable, which cause disbelief and uncertainty. Paul t'Hart has given a contemporary definition of crisis, describing it as an "unpleasant event that represents a challenge for decision-makers, tempts them to act under conditions of imperilment, time constraint and unpreparedness." Crisis is a "serious threat to the basic structures or fundamental values and norms of a social system, which, under conditions of time pressure and very uncertain circumstances, demands the bringing of critical decisions".   Three fundamental elements define a crisis: a stressful situation, difficulty in coping, and the timing of intervention. Each crisis is unique, necessitating a flexible approach to address the client's needs and the specific circumstances.[12] As we can see from the above views on the definition, the term "crisis" holds significant importance in contemporary discourse due to its relevance, emotional impact, and its ability to capture the gravity of challenging events and situations faced by individuals and societies worldwide. It has become a common descriptor for various events, ranging from personal difficulties to broader societal challenges. A crisis is characterized by stressful circumstances, difficulty in coping, and the crucial timing of intervention. Each crisis is unique, requiring a flexible approach to address the specific needs and circumstances of those affected. Crises can occur in various domains, and there are several types of crises that can be identified based on their nature and context, so for example: Economic Crisis, Health Crisis, Nature Crisis, Political and Social Crisis, Humanitarian Crisis, Refugee and Migration Crises or Personal Crisis.

It is worth noting that crises do not exist in isolation from each other, very often they are interrelated and can affect each other. One crisis can trigger or exacerbate another, which can happen through a chain of events or through the impact of one aspect of life on another. For example, during a natural disaster or war, people may experience a personal crisis due to the loss of their homes, loved ones and livelihoods. If many people are affected, this can lead to a humanitarian crisis.   The impact of a crisis is different for every individual, according to the circumstances and environment.

How a crisis affects an individual depends on the nature of the crisis, personal characteristics, and resources, as well as the availability of social support. That is why we are talking about the urgency and importance of social protection and social support in times of crisis. By their nature and the speed with which they spread, the consequences of the crisis require rapid decisions aimed primarily at

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[9] Milašinović, Srđan. Kešetović, Želimir. Crises and crises management – a contribution to a conceptual & terminological delimitation. 2008. URL: https://www.econbiz.de/Record/crisis-and-crisis-management-a-contribution-to-a-conceptual-terminological-delimitation-mila%C5%A1inovi%C4%87-sr%C4%91an/10009935670. [L. s. 08.07.2023].

[10] International Crises: A Note on Definition. URL: https://www.jstor.org/stable/447735. [L. s. 08.07.2023].

[11] Seeger, M.W., Sellnow, T.L. and Ulmer, R.R. Communication, Organization and Crisis. In: Roloff, M.E., Ed., Communication Yearbook 21, Greenwood Publishing Group,1998. p. 235.

[12] Milašinović, Srđan. Kešetović, Želimir. Crises and crises management – a contribution to a conceptual & terminological delimitation. 2008. URL: https://www.econbiz.de/Record/crisis-and-crisis-management-a-contribution-to-a-conceptual-terminological-delimitation-mila%C5%A1inovi%C4%87-sr%C4%91an/10009935670. [L. s. 08.07.2023].

ending and minimizing the effects of crisis situations in the shortest possible time and preventing the transition to a long period of stagnation of social processes.

It is social protection and social support that play a key role in times of crisis, directing the necessary resources to support people in adverse circumstances. Social protection is seen not only as a reactive tool, but also as a means of building society's long-term resilience to different crisis scenarios. In times of crisis, social protection and social support serve as vital buffers to help individuals and communities weather the storm and recover from the effects of adverse events. They contribute to the resilience and well-being of societies, reduce the long-term socio-economic impact of crises, and promote inclusive and sustainable development.

The key reasons why social protection and social support are crucial in times of crisis are:

- *Reducing vulnerability*: Crises often increase vulnerability. They can push individuals and communities into poverty, homelessness, or other precarious situations. Social protection can help individuals meet their basic needs and prevent further destitution by providing immediate support, such as cash transfers or emergency assistance.

- *Building resilience*: Social protection and social assistance help individuals and communities to bounce back more quickly by providing a safety net in times of crisis. They provide stability, reduce the risk of falling into poverty and enable people to withstand shocks and build resilience to future challenges.

- *Tackling inequality*: Crises tend to have a disproportionate impact on vulnerable groups and exacerbate existing inequalities. Social protection policies can focus on those who need it most, ensuring that resources go to the most vulnerable groups of society. This will help to mitigate the unequal impact of crises and to promote social cohesion.

- *Maintaining social cohesion*: Crises can create tensions and divisions within communities and strain the social fabric. Social support mechanisms promote social cohesion, strengthen social ties and contribute to the overall recovery and healing process, such as community engagement, psychosocial support and reconciliation programs.

- *Facilitating recovery and reconstruction*: Social protection interventions are essential to support recovery efforts in the aftermath of a crisis. They can contribute to the restoration of livelihoods, support reconstruction and rehabilitation, and enable affected individuals and communities to regain stability and self-sufficiency.

- *Promoting long-term development*: Effective social protection and assistance systems are not only a response to immediate needs, but also a contribution to long-term development. Social protection can help break the cycle of poverty and build human capital by investing in education, health care, skills training and productive assets.[13]

Thus, to ensure the well-being, resilience and dignity of individuals and communities facing difficult circumstances, social protection and social assistance are essential in times of crisis. Their aim is to ensure that individuals and communities have access to basic necessities such as food, shelter, health care and social services. Through the combination of social protection and social assistance, societies can address the multidimensional needs of individuals and communities in times of crisis. Not only do these interventions respond to the immediate challenges, but they also contribute to long-term recovery and sustainable development.

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[13] Francesc, B., Loewe, M., Social protection: An effective shield against global crises. German Institute of Development and Sustainability (IDOS), The Current Column of 4 October 2022. URL: https://www.idos-research.de/en/the-current-column/article/social-protection-an-effective-shield-against-global-crises/. [L. s. 13.07.2023].

4. The Ukraine War

War presents a unique set of circumstances and severity of consequences that have a significant, sometimes devastating impact on individuals and communities. Displacement, loss of loved ones, loss of homes, livelihoods, destruction of infrastructure and increased physical and mental health risks are just some of the challenges people face in war.

On 24 February 2022, the Russian Federation launched a full-scale invasion against Ukraine. The war in Ukraine has become a challenge for the entire international community. In addition, the war demonstrates how one crisis causes other crises, such as natural, humanitarian, migration, social, and personal. War is not isolated; all spheres are affected by war conditions. For a better understanding of the consequences of the Ukraine War and its significance, we provide some statistics data:

The Office of the United Nations High Commissioner for Human Rights recorded 24,862 civilian casualties in Ukraine: 9,083 killed and 15,779 wounded, including 494 children, and among them 1051 were wounded. Most civilians died in Donetsk, Kharkiv, Kyiv, Kherson, Chernihiv and Zaporizhzhia regions. [14]

- According to the Ukrainian Parliament Commissioner for Human Rights, almost 4,8 million Ukrainians have been officially granted the status of internally displaced persons. Of these, 30% are pensioners and people with disabilities. Kyiv, Dnipro and Kharkiv top the ranking of cities by the number of internal displaced persons. Almost 40% of Ukraine's population - 17.6 million people - are in need of humanitarian assistance.[15]

- During the year, according to various estimates, the occupiers abducted and transported about 1.2 million Ukrainians to the territory of the Russian Federation. Among them, between 260,000 and 700,000 are children.

- More than 15,000 people, both civilians and soldiers, have gone missing due to the war in Ukraine. [16]

- According to the Kyiv School of Economics and the World Bank, as of October 2022, Ukraine's direct losses from a full-scale war amounted to about $450 billion.[17]

- According to preliminary estimates by the Ministry of Economy, Ukraine's GDP declined by more than 30% in 2022.

- In 2022, consumer inflation in Ukraine was 26.6%. In particular, the growth rate of fuel prices reached almost 70% in 2022. Food prices rose by almost 30% over the year, with a sharp jump at the end of the year due to electricity shortages after Russia began to systematically destroy Ukraine's energy infrastructure.[18]

During wartime, people face grave threats to their safety and well-being, including:

- *Safety*: During wartime, people face threats to their lives and safety. Now in Ukraine is a risk for people of physical injuries, loss of homes and property, as well as fear for their own lives and the safety of their loved ones.

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[14] 500 days of war in Ukraine. Real figures of Russian aggression. URL: https://fakty.com.ua/ua/ukraine/20230708-500-dniv-vijny-v-ukrayini-realni-czyfry-rosijskoyi-agresiyi/. [L.s. 10.07.2023].
[15] A Year of War in Numbers: Zaborona's Infographic. ULR: https://zaborona.com/en/a-year-of-war-in-numbers-zaboronas-infographic/. [Last seen 10.07.2023].
[16] A year of Russia's great war against Ukraine in 10 figures // BBC News Ukraine. URL: https://www.bbc.com/ukrainian/articles/ck5ylk3rj0zo. [L.s. 09.07.2023].
[17] 500 days of war in Ukraine. Real figures of Russian aggression. URL: https://fakty.com.ua/ua/ukraine/20230708-500-dniv-vijny-v-ukrayini-realni-czyfry-rosijskoyi-agresiyi/. [L.s. 10.07.2023].
[18] A Year of War in Numbers: Zaborona's Infographic. ULR: https://zaborona.com/en/a-year-of-war-in-numbers-zaboronas-infographic/. [L. s. 10.07.2023].

- *Loss and injuries*: Wartime leads to the loss of loved ones, the disruption of family ties, and the destruction of social networks. Individuals experience physical, psychological, and emotional traumas as a direct or indirect result of the war.

- *Instability and economic hardship*: War in Ukraine brings economic instability, decreased employment opportunities, the destruction of infrastructure, and limited access to basic resources such as food, water, medicine, and healthcare.

- *Psychological issues*: War caused post-traumatic stress disorder, depression, anxiety, and other psychological problems. People feel fear, anxiety, and hopelessness due to the dangers and uncertainty about the future.

- *Forced displacement*: War forces people to leave their homes and become internally displaced or seek refuge in other regions or countries. This led to homelessness, loss of stability, and the search for new places to live and social adaptation.

- *Lack of education and medical assistance*: War significantly limits access to education and medical assistance. According to situation in Ukraine many schools and healthcare especially on the East and South Ukraine destroyed or inaccessible due to the conflict zones.

- *Disruption of family ties*: War disrupts family bonds when individuals are forced to separate or leave their loved ones behind. This caused emotional turmoil and the loss of the support and security that families provide.

The war in Ukraine has become a challenge for the entire international community, its consequences have a global impact and require a consolidation of efforts to implement effective social protection mechanisms. In addition, the war in Ukraine has triggered other transnational crises that have created significant social protection challenges. This transnational dimension highlights the interconnectedness of social protection and the need for international cooperation and support to address the complex needs of those affected.

5. Global and European Reactions of the Ukraine war

As a result of Russia's armed aggression, a significant part of the Ukrainian population has become either internally displaced persons seeking safety in Ukraine or refugees abroad. After Russia's military invasion of Ukraine on 24 February 2022, the international community reacted immediately and demonstrated effective solidarity by supporting people in need. European countries have hosted the largest number of refugees since the beginning of the war, mainly due to their territorial proximity and the policies of both the state and civil society in these countries to create the most favorable conditions for the reception and settlement of refugees from Ukraine.

On 21 April 2022, the United States announced an assistance program to fulfil US President Joseph Biden's commitment to welcome Ukrainians fleeing the Russian invasion. The program, called "Uniting for Ukraine". "Uniting for Ukraine" and other programs provide an opportunity to admit up to 100,000 Ukrainian citizens and their immediate family members to the United States. Under the program, they can come to the United States and stay temporarily in the country for two years of the program. Ukrainians participating in the Unite for Ukraine process must have a sponsor in the United States who agrees to provide them with financial support during their stay in the country.

Canada also has a special program for refugees from Ukraine called "Canada-Ukraine Authorisation for Emergency Travel" (CUAET), which allows them to obtain a visa free of charge and obtain the right to work and study in the country. A visitor visa under this program is issued for a period of three years. In addition to this program, Ukrainians who are forced to seek temporary asylum in Canada because of the war can receive a one-time payment of CAD $3,000.[19]

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[19] What support the US and Canada offer to Ukrainians who are fleeing from the war. ULR: https://suspilne.media/422538-kanada-rozsirue-programu-pidtrimki-ukrainskih-bizenciv/. [L. s. 12.07.2023].

In March 2022, the EU activated the temporary protection directive, an EU emergency scheme used in exceptional circumstances of a mass influx to provide immediate and collective protection to displaced persons and reduce pressure on the national asylum systems of EU countries. Rights under the temporary protection scheme includes Residency rights, access to the labor market, access to housing, social welfare assistance, medical assistance, legal guardianship and safe placement for unaccompanied children and teenagers and Access to education for children and teenagers. [20]

As of 26 June 2023, according to the United Nations High Commissioner for Refugees collation of statistics made available by the authorities, there are 5,977,800 refugees from Ukraine in the European countries. The dynamics show that this figure is still tending to increase, as the situation in Ukraine continues to be threatening.[21]

Most Ukrainian refugees reside in Poland (38%), Germany (20%), the Czech Republic (12%) and Italy (6%). Women and children represent approximately 86 per cent of the total number of refugees.

In total, 8 million 173 thousand Ukrainian refugees have been registered in Europe since the beginning of the conflict, including those who have already returned home or left for other regions of the world.

Overall, the ongoing war in Ukraine has resulted in a substantial number of displaced individuals seeking safety and support in other countries, both within Europe and globally. The situation remains dynamic, with the number of refugees continuing to increase, emphasizing the need for ongoing humanitarian efforts and support from the international community to assist those affected by the crisis.

6. Leaving Ukraine – coming to Switzerland

Since the outbreak of the war in Ukraine, European countries have become a host to millions of Ukrainians, and Switzerland is no exception. As of 23 June 2023, 85,080 Ukrainians in Switzerland have applied for a temporary residence permit.[22] The most common reasons for leaving Ukraine and going to Switzerland include: the need to be safe, the need to protect the child (children), constant and heavy shelling, explosions, possibility of evacuation from the place of residence, the place of residence is occupied by the Russian military, destruction of a house or an apartment and fear for personal life and the lives of relatives.

According to the survey, Ukrainians chose a country for temporary residence for a variety of reasons. The most common of these (52% of respondents) is, of course, security. Another 15% moved to a particular country because of family ties. For 11% of respondents, the availability of employment was the deciding factor. Other reasons for choosing a country were: language of communication (5%), social ties (4%), advice from others (3%), education (3%), proximity to Ukraine (3%) and asylum procedures (3%). [23]

Among the reasons why Ukrainians chose Switzerland are the following:

- Family members, friends and acquaintances living in Switzerland. This is one of the main reasons why Ukrainians choose to seek asylum in Switzerland. In addition, family reunification, support from relatives and living together are an important basis for speeding up the process of integration into new living conditions.

- On the recommendation of other Ukrainians who have arrived earlier. Very often Ukrainians share information on social media about the conditions for receiving refugees and the attitude

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[20] Infographic - Refugees from Ukraine in the EU. URL: https://www.consilium.europa.eu/en/infographics/ukraine-refugees-eu/. [L. s. 12.07.2023].

[21] Operational data Ukraine refugee's situation. URL: https://data2.unhcr.org/en/situations/ukraine. [L. s. 15.07.2023].

[22] Operational data Ukraine refugee's situation. URL: https://data2.unhcr.org/en/situations/ukraine. [L. s. 15.07.2023].

[23] Lives on Hold: Profiles and Intentions of Refugees from Ukraine #1. ULR: https://data.unhcr.org/en/documents/details/94176. [L. s. 11.07.2023].

of the local population towards refugees. Good recommendations and personal experience give Ukrainians confidence in choosing a country of asylum.

- Stability and security. Switzerland is known for its long-standing political stability and high level of security. Switzerland has not been involved in war for more than 200 years. In addition, the absence of internal conflicts and Switzerland's ranking as one of the safest countries in the world make it attractive to refugees, as these are key factors for most Ukrainians.

- Humanitarian traditions. Switzerland is known for its long and recognized tradition of humanitarian asylum. Switzerland has long been a haven for refugees from the Balkans, Syria, Iran and Turkey. The long experience of receiving refugees has allowed Switzerland to develop an effective refugee protection system.

- Social assistance. Switzerland has activated the S status for Ukrainian refugees and provides significant social support to refugees, including housing, medical care, education and vocational training. Ukrainians have access to a wide range of social services to help them integrate into Swiss society and secure their livelihoods.

- Geographical location. Switzerland is in the center of Europe, making it accessible to Ukrainian refugees. Its borders with France, Germany, Italy, and Austria offer a variety of arrival routes. Switzerland is also attractive because of its amazing nature and similar climate to Ukraine.

- High quality of life. Switzerland ranks high in terms of living standards and well-being, including the highest wages in Europe, quality education, safety, healthcare and social services.

For the first time in history, Switzerland has activated the S status for Ukrainians. This status was developed in the mid-1990s during the wars in the Balkans. It provides for the rapid admission of refugees. The "S" status can be applied for by Ukrainians and their family members, as well as third-country nationals who had a permanent residence permit in Ukraine before the outbreak of full-scale war and cannot safely return to their country. With this status, refugees from Ukraine are entitled to a temporary stay in Switzerland for a period of one year (the Swiss government has extended the statute until March 2024). This status gives access to the following possibilities: Residence in Switzerland, Access to housing, Access to health and accident insurance, Access to social assistance for those who need it, Access to the labour market, Access to education for children, travel abroad and return to Switzerland without a travel permit, family reunification. Each canton may decide based on cantonal legislation, how to support persons with protection status S. Social assistance is intended to secure a person's livelihood. The status is not subject to any quotas, so people may travel abroad without a travel permit. The global lump sum of CHF 1,500 per person per month, which the Confederation makes available to the cantons, finances health insurance premiums, basic daily needs, and accommodation.[24] People seeking refuge from the war in Ukraine and arriving in Switzerland can apply directly to one of the six federal asylum centers with a procedural function and register for S protection status.

For example, the canton covers the costs of housing, social assistance and health insurance until a person finds a job and can meet his or her own needs. The comprehensive system of social assistance makes it possible to minimize the consequences of forced refugee status, facilitates the process of adaptation and integration, gives the feeling that one is not left alone with one's problems and makes it possible to overcome various difficulties as easily as possible. Each refugee is assigned a social worker who supervises and assists in obtaining social and medical assistance and provides advice on various issues.

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[24] Information for persons from Ukraine in need of protection // State Secretariat for Migration SEM. URL: https://www.sem.admin.ch/sem/en/home/sem/aktuell/ukraine-hilfe.html. [L. s. 10.07.2023].

According to the information of State Secretariat of Migration (Switzerland), about 40% of Ukrainian refugees continue to live in host families, which demonstrates the significant solidarity of society with Ukrainians. [25] In addition to the above-mentioned measures organized by the state for social support of Ukrainians in Switzerland, the following integration activities also play an important role and find all possible support from the cantons:

- *Language and cultural integration*: Learning the local language, in this case, German, French, or Italian, depending on the region, is a crucial step towards integration. Language skills facilitate communication, social interactions, and career opportunities. Embracing Swiss culture, traditions, and customs also helps foster connections with the local community.

- *Community engagement*: Actively participating in local community activities, events, and organizations can provide opportunities to meet new people, make friends, and build social networks.

- *Support networks*: Establishing connections with other Ukrainians in Switzerland which provide mutual support, sharing experiences, and navigating the challenges of adaptation.

- *Cultural exchange*: Ukrainians in Switzerland contribute to cultural exchange by sharing their own traditions, cuisine, and heritage with the local community (festivals of Ukrainian cuisine and culture).

- *Psychological support*. Psychological support for Ukrainians abroad is crucial to address the emotional and mental well-being of individuals who may have experienced trauma, displacement, or other significant challenges.[26]

Switzerland, as a country with a rich tradition of humanitarian assistance, serves as an example of how to ensure the safety and social integration of refugees to promote their safety and well-being.

7. Challenges and issues for Ukraine Refuges

Ukrainian refugees are the result of the war. Ukrainians did not plan to go abroad, did not prepare for it, did not study the peculiarities of the countries they came to. Thousands of Ukrainians faced many challenges related to the fact that they were forced to leave their homes and their country and come to new countries. Before the war, everyone had a well-established life with studies, work, family, friends and everyday worries. We would like to take a closer look at the most common problems and challenges faced by Ukrainian refugees in Switzerland and in other countries.

- Changing the usual environment and lifestyle. Forced migration to another country to escape the war meant that millions of Ukrainians left behind their familiar surroundings. This was a great challenge for all Ukrainians. Before the war, everyone had their usual home environment and familiar way of life. The war changed everything and forced millions of Ukrainians to accept new living conditions.

- Adapting to new conditions in an unfamiliar political, linguistic, and cultural environment. Switzerland has become a foreign country for Ukrainians, with its own system, laws, rules, culture, mentality and languages. Ukrainians need time to adapt to the new country and to accept its rules.

- Family separation. In connection with the introduction of martial law in Ukraine, it is temporarily forbidden for Ukrainian male citizens aged 18 to 60 to travel outside Ukraine. Except in certain cases. As a result, the main category of refugees are women, children and, to

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[25] Integration lump sums and contributions for persons with protection status S // Kanton St. Gallen. URL: https://www.sg.ch/gesundheit-soziales/soziales/integration/fluechtlinge-und-vorlaeufig-aufgenommene/informationen-fuer-gemeinden.html. [L. s. 11.07.2023].

[26] Federal program "Support measures for persons with protection status S". ULR: https://www.sem.admin.ch/sem/en/home/integration-einbuergerung/integrationsfoerderung/programm-s.html [L. s. 12.07.2023].

a lesser extent, the elderly and people with disabilities. Children have had to be separated from their fathers, women from their husbands, children from their parents and brothers. The process of family reunification can be complex and time-consuming, causing emotional distress and uncertainty.

- Living in two realities "Torn reality". The first reality is what is happening in Ukraine, where parents, relatives, friends, and acquaintances are staying. The second reality is organizing life in a new country.

- Personal involvement in the intensity of events in Ukraine. Every day Ukraine is under fire and bombardment from Russia. It is very difficult to stay away from what is happening. The destruction of Ukraine, the death of civilians, the destruction of towns and villages is very painful to experience.

- Trauma of war. The war in Ukraine has undoubtedly had a significant impact on the population, causing widespread trauma and affecting the lives of countless individuals. War by its very nature causes various forms of physical, emotional, and psychological trauma.

- Survivor guilt. Many people feel guilty for leaving Ukraine, while their friends and relatives remain in Ukraine under fire and in constant danger, while they are completely safe and able to enjoy life in a new country.

- Despite different experiences. Understanding people with different war experiences. Everyone has their own experience of the war, some were under occupation, some were able to leave Ukraine very quickly, some lost their relatives or homes, and some are experiencing severe psychological trauma. It is important to understand that there is no better or worse experience, it is just different for everyone, and it is important to accept this.

- Problems with documents. Restoring lost documents, extending the validity of a passport, adding children to a passport, notarial powers of attorney, recognizing driving licenses.

- Language barriers. Many Ukrainians do not speak the official languages of Switzerland. Yes, there are language courses for refugees. And they attend them. But the lack of knowledge of the local language is the main reason for difficulties in finding a job, studying, every day and official communication.

- Work. Only about 20% of Ukrainians are employed in Switzerland. A small percentage of Ukrainians continue to work online in Ukraine. The rest are still looking for work or looking after children or elderly/sick relatives. The inability to find a job makes them dependent on social benefits, prevents them from changing their place of residence and slows down the integration process. In addition, many Ukrainians are forced to work in jobs below their level of education.

- Accommodation. Ukrainians are provided with free accommodation. However, for most people this means sharing a house or apartment with others. Many have misunderstandings about sharing, the inability to change accommodation, the lack of privacy or a quiet place.

- Education. Many school-age children face the problem of a double educational burden. Very often, children are forced to spend the first half of the day studying in their host country school and in the afternoon attending classes or doing homework in the Ukrainian school.

- Cultural adjustment. Adapting to a new culture, customs and social norms is overwhelming for Ukrainian refugees. They are faced with feelings of isolation, loneliness and a sense of not belonging. Community involvement, cultural orientation programs and connection to local support networks are very important for cultural adjustment.

Most Ukrainians who have left their country because of the war are not only trying to adapt to life in Switzerland and support their families who have remained in Ukraine but are also organizing

themselves to provide social support to their Ukrainian compatriots who are also here in Switzerland and to help Ukraine in the war in various ways. So-called mutual aid has become an important part of social support for Ukrainians living in Switzerland. After all, no one understands the problems and needs of a refugee better than another person who is facing the same conditions. The main forms of support that Ukrainians abroad are actively involved in are:

1. *Emotional support for relatives*. Words of support, expressions of empathy, calls for attention. Sharing personal experiences or stories of resilience can also provide emotional relief and validation. Such seemingly simple and ordinary things become very valuable during wartime, helping to maintain links with family and friends and providing moral and psychological supportю

2. *Provide information and support*. Sharing accurate information about available resources, support services and avenues for assistance helps individuals access the help they need.

3. *Financial support for family members*. Financial support for relatives during the war is very important. The war in Ukraine has left many people unemployed, unable to work or care for others, and inflation has caused a rapid increase in the price of all basic goods.

4. *Volunteer remotely*. Many organizations offer remote volunteering opportunities that allow individuals to contribute their skills and time from anywhere in the world. This could include tasks such as online tutoring, language support, virtual mentoring or helping with administrative work for organizations supporting Ukrainian refugees.

5. *Participating in charity auctions, fundraising and donations*. Every Ukrainian living abroad takes part in various charity events, sending donations to the army and war victims, raising money for various types of aid and needs, or hosting virtual events to gather support and donations.

6. *Sending humanitarian aid*. Actively participating in efforts to send humanitarian aid to Ukraine, such as clothing, food, medical supplies, and other necessary items, can directly help people in need who remain in Ukraine.

7. *Spreading truthful information about the war*. Spreading accurate and truthful information about the war in Ukraine helps to combat misinformation and provides a clearer understanding of the situation abroad. This can be done through social media, one-on-one conversations or interviews, and participation in facilitated discussions and events about the war in Ukraine. Such groups can promote healing, offer coping strategies and foster a sense of community among those affected by the war.

8. *Organizing support groups*. Establishing or supporting support groups provides a space for people to come together, share experiences and support each other. Ukrainians in Switzerland unite on various platforms, organize meetings, events, actions, charity evenings, joint excursions, hikes, and also form groups via Telegram, where they exchange tips and useful information, discuss pressing issues, find friends and just talk about everyday life.

9. *Supporting newly arrived Ukrainians*. Ukrainians who have just arrived in Switzerland have many questions about organizing their life in the new conditions and may be confused. That is why Ukrainians who have been in Switzerland for a long time are organizing themselves to help newcomers. For example, by sharing their own experiences, giving advice, providing information about local online groups of Ukrainians in Switzerland where they can always find help, inviting them to events, meetings, etc.

8. Qualitative – empirical view to the situation and social protection and social support for Ukrainian refuges

8.1. Svitlana Hrytsai: a narrative perspective:

24 February 2022 is a day engraved in the hearts of all Ukrainians, dividing their lives into before and after. In this article, I - Svitlana would like to tell her story.

 There is a saying: "If you have a peaceful sky above your head, you are a happy person". One day we lost it.

On the eve of the war, there was a lot of talk and information that there was going to be a war. But most people couldn't believe it, including me. How could it be possible? There was a lot of information about how to behave in a war situation, how to pack an emergency bag, how to arrange your steps. But still, everyone hoped for the best, until the morning that changed everything, when we found ourselves unprepared for the war and the destruction, losses, deaths, and horrors it brought.

It was the early morning when our lives were divided into 'before' and 'after'. My morning on 24 February 2022 began at 05:35 with a phone call from my mother, telling me that the war had begun, that Kiev was being bombed, and a short time later I heard the first explosions nearby. My first thoughts were: This can't be happening. How can this be? What am I going to do?

At that time, I lived and worked in Chernihiv. My parents lived in the Chernihiv region and my sister lived in Kiev.

Chernihiv is a city in the north of Ukraine, bordering Belarus and Russia, on the way to Kiev.

I wanted to be with my family, so I decided to leave Chernihiv and try to get to my parents' house. The streets were filled with confusion, fear, disbelief, and anxiety, as were the long queues at grocery stores, pharmacies and cash machines.

I got to my parents' house and was with my family late on the evening of 24 February. The thoughts that occupied my mind in the first days of the war were: what's next, how long will the war last, what will happen to us.

Chernihiv, located on one of the main lines of Moscow's military activity, was besieged by Russian troops and subjected to intense bombardment.

On 3 March, I received a newsletter from the university in which I worked. This letter include tte Information that the School of Social Work at the University of Applied Sciences of Eastern Switzerland (OST) had developed a support initiative for students and staff at risk, offering them the opportunity to seek refuge in St Gallen, Switzerland, as a first place of safety.

Having previously visited St. Gallen, Switzerland as a student and having had the opportunity to meet some of the lectures and students during a project with my university, I had familiarity with this university and the individuals involved in the initiative. I decided to contact them and find out more about this initiative and the possibility of using it with my younger sister. I received a very quick reply and so the initiative also extended to family members. Additionally, there was similar interest from several university staff members.

 Making the decision was incredibly challenging as I grappled with the fact that my parents and grandparents would remain at home. The Chernihiv region was facing constant bombardment and partial occupation during that time. However, despite the difficulties and hesitations, we made the decision to go.

On 14 March, my sister and I arrived in St. Gallen. The road to Switzerland was difficult, long and dangerous before the border. We were warmly welcomed directly at the railway station. Before we arrived, they found us a host family who agreed to take us in. So, on the day of arrival, we

immediately went to the host family's home. The host family was very kind to us. We still live with them. They are wonderful, kind people who have become friends over time.

Now we are safe, but the fear for your family and friends is very strong. It is very difficult to be 2.5 thousand kilometers away from your family.

We have started to formalize our resettlement in Switzerland. My sister and I have been granted permanent residence status S. Status S give us the opportunity to live in Switzerland until the end of the war in Ukraine, free accommodation, cantonal social assistance, health insurance, the opportunity to work, learn the language and participate in integration activities.

At first, it was difficult for my sister and me to accept the new reality of being in a foreign country, where you don't know the language, the rules, the structure. But our process of integration and adaptation was facilitated by the enormous support of both our host family and the university. All the time we were actively helped by our host family, university staff and students involved in the mentoring program.

It has been more than a year since my sister and I arrived in Switzerland, during which time we have adapted to the new living conditions, accepted challenges and learned to overcome them, we are learning German, we have found job, we have made new social contacts, we have learned to combine life in Switzerland with life in Ukraine.

Migration to another country is always difficult, and migration caused by war, when social ties are destroyed, everyday life changes, becomes a serious challenge for both the refugee and the host country. It is very important to have social support in the initial stage of adaptation to new living conditions.

It is very important not only to provide material support, but also to make a person feel that he/she is not alone with his/her problems, that he/she is understood, supported, and not blamed.

My story illustrates the importance of social protection and social support, because before the war I was not in a crisis and did not need outside help up, it was the war that put me in a situation whose consequences I could not overcome on my own, but only with complex social support from the state, the community and individuals.

8.2. Students / Peer research Project 2022/23: Needs of Ukrainian refugees

During November 2022-May 2023 students and lecturers from the University of Applied Science Eastern Switzerland OST were involved in a research project "Evaluation of the Ukraine War - how did the communities in the Rhine Valley region deal with the challenging situations regarding Ukrainian refugees at the beginning of the Ukraine crisis? What worked well, what did not work well? Best practice examples and lessons learned."

The objective of the project was for the lecturers and students, commissioned by the Rhine Valley Integration Office, to conduct a qualitative data collection to evaluate the offerings and structures perceived as helpful from the perspective of the refugees from the war zone in Ukraine. The project aimed to document "lessons learned" and "best practice examples".

The project was developed on behalf of the Rhine Valley Integration Office, and in collaboration with the School of Social Work of the University of Applied Sciences Eastern Switzerland OST. Twelve students were assigned to work on this project.

The Rhine Valley Integration Office supports people with a migration background in their integration via regular structures and in the specific promotion of integration to promote good coexistence with the residents in the municipalities of the Rhine Valley. To evaluate which services and structures have been used by refugees from Ukraine and where there are difficulties and challenges, the Rhine Valley Integration Office initiated this practical project.

The project focused on the 12 municipalities in the St. Gallen Rhine Valley region and examined the conditions for success in regular municipalities through one subgroup of students, while the other subgroup focused on the perspective of the affected individuals.

In accordance with the project mandate, the present project work dealt with the following questions:

- What services, structures, support, and assistance did the refugees make use of?

- How did the refugees experience their arrival in the Rhine Valley communities? What were the difficulties and challenges?

The results of this project are intended to contribute to the optimization of municipal services and structures for refugees to provide services adapted to the needs of refugees, which will then be used more frequently.

To collect data, students prepared and conducted a workshop with Ukrainian refugees. The workshop was held in three age subgroups: children aged 6 to 12, young people aged 13 to 17, and adults aged 18 and over. during the workshop Students used with the participants the methods of World Café and the Three Houses, which showed their effectiveness.

An online questionnaire was also used to collect data. The questionnaire contained 26 questions and was posted online for 20 days. The target group of the questionnaire was refugees from Ukraine living in one of the 12 municipalities of the Rhine Valley and who are at least 15 years old.

The results of workshop and the questionnaire of Ukrainian refugees demonstrated pros and cons in the following areas:

Housing: The refugees from Ukraine appreciate being provided with accommodation. However, they often have to share living space, which they find disturbing and cramped. They desire more privacy regarding their living arrangements.

Leisure/Mobility: The refugees from Ukraine generously utilize and value meetings with fellow affected individuals. Therefore, it would be helpful if each community had resources available for such meetings. Increased financial support for recreational activities: The refugees from Ukraine have a strong need for mobility in their leisure activities. Therefore, they wish for discounts or financial assistance for using public transportation, cultural offerings, and sports facilities.

Employment: The refugees from Ukraine want to reintegrate into the job market as quickly as possible. They require support from authorities in finding job positions or training opportunities.

Assistance and integration services: The refugees from Ukraine have a strong desire to integrate, evident by the high demand for language courses. Therefore, it is important to maintain and make affordable language courses available to them.

Material and financial support: The financial situation of Ukrainian refugees is strained. This is evident from their reliance on food donations, where they perceive an unfair distribution. They fear receiving insufficient food supplies.

Safety/Feeling welcome: Most refugees from Ukraine feel safe and welcome in Switzerland. Providing information about available resources and opportunities would facilitate their integration.[27]

Based on the qualitative research results of the online questionnaire and the workshop students came up with the recommendation. The results reflect the views of Ukrainian refugees on current problems and issues. These guidelines include general recommendations on refugee registration, housing and accommodation, status specifics, financial assistance, healthcare, leisure time, finding a job, language

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[27] Projektbericht. Evaluation der Angebote und Strukturen für geflüchtete Menschen aus der Ukraine und der 12 Gemeinden im St. Galler Rheintal. Sicht der betroffenen geflüchteten Menschen aus der Ukraine. Fachstelle Praxisprojekte St. Gallen, 2023. p. 38-42.

courses, public transport in Switzerland, schools and the education system in Switzerland, and specific recommendations for children and young people.

The findings highlighted various challenges faced by different age groups of refugees and shed light on their experiences and needs upon arrival in Switzerland. Overall, the project provided valuable insights into the experiences and needs of Ukrainian refugees in the Rhine Valley region, aiming to inform policy and service improvements to better support their integration into Swiss society.

Conclusion

The topic of this article is the multi-perspective view on the concept of social protection and the role of social work in (not only) wartime conditions. In the explanations, it became clear how important and central it is that, in addition to help and support in flight and trauma situations, the factor of social security and thus of social support. The issue of resilience is of particular importance in this context. This is closely related to social networks, friends, and family. At the beginning, however, is the safe place and a place where you are welcome. This is followed by aspects of housing, securing one's livelihood, and coping with the new daily routine.

Due to the situation, the geographical proximity of the Ukraine war and the political proximity of Ukraine, the following points are particularly important:

- Social protection extends beyond immediate crisis response and trauma care. It encompasses social support, social security and resilience, highlighting the importance of long-term assistance for affected individuals.

- Immediate and professional help to cope with trauma is essential. Good and suitable housing, work, assistance with official matters and financial support form the basis for all refugees, regardless of where they come from.

- Being welcome as guests and European neighbors and being allowed to be guests and to feel comfortable is of great importance. The provision of safe and welcoming spaces is the initial step in offering social protection. These spaces serve as the foundation upon which individuals and families can rebuild their lives.

- The opportunity to temporarily leave the host country and reconnect with friends, family, and relatives in one's home country holds significance for Ukrainian refugees.

- With the rapidly changing situation in Ukraine, the prospects of staying longer in the country of protection are very different.

- All those affected would like to actively support their family at home. For this you need help and support in the host country.

The reaction to the Ukrainian refugee crisis underscores the significance of global collaboration, the embrace of humanitarian principles, and the capacity of individual countries and regions to contribute to ensuring the safety, assistance, and opportunities for those who require help.

The S-status (protection status) existing in Switzerland has proven to be very helpful. It allows the affected persons with a temporary protection status to stay legally in the country, to travel, to attend schools and to work and to get housing and financial support.

Requirements are to be put to the policy to the points mentioned above to create the conditions as a basic for that internationally and nationally.

But what does this mean now for the role of social work in Crisis and ware time conditions? In short: Social work supports and empowers people. Not in a paternalistic understanding but in an egalitarian one. Social work is always a co-constructor for the people concerned to cope better with their situation and everyday life. All activities and specific methods of social work are to be included. Networking

approaches, individual case assistance or social group work or peer approaches appear to be particularly effective. But also, a specific and professional counseling approach along the needs are to be demanded. And finally, policy practice. Social workers are not only helpers in the crisis but also agents of social change. But one thing is certain: Peace and the will to work together serves as the basis for social work, for a better individual life and finally for a better world.

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THE DILEMMA OF PROTECTING DEMOCRACY SINCE THE 2008 FINANCIAL CRISIS: THE CASE OF CYPRUS.

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Abstract

The main objective of the article is to specify the reasons why, unlike in other EU countries affected by the financial crisis, no restrictions on civil liberties, characteristic of the neo-militant democracy, were introduced in the Republic of Cyprus. These liberties include the limitation to the freedom of assembly, the freedom of the press, the freedom of speech, the freedom of association, and the freedom of religion. The author applied qualitative source analysis as the main research technique. The analysed publications include legal acts adopted by the legislative and executive bodies of the Republic of Cyprus between 2012 and 2019 as well as reports of various non-governmental organizations monitoring respect for civil liberties in Cyprus. The study covers the period between 2012 and 2019. The initial turning point is the year of a sudden financial meltdown and the consequent budget problems, banking system crisis and social unrest. In turn, the final turning point was 2019, namely the last year before the outbreak of the global COVID-19 pandemic. The article contributes to research on the concept of neo-militant democracy in contemporary European countries in the context of the functioning of the Republic of Cyprus during the financial crisis.

Keywords: Cyprus, financial crisis, democracy, neo-militant democracy, civil liberties.

Introduction

The post-2008 financial crisis triggered a decline in production, a significant increase in unemployment, a serious reduction in social policies and social discontent in the EU. Although most of these factors were of economic importance, the difficult situation also translated into political consequences. The governments of European countries affected by the effects of the crisis faced the dilemma of how to protect their democratic systems against a sudden increase in the radicalization of citizens' attitudes and the growing popularity of populist groups. They also faced an important dilemma in the field of political philosophy. How much freedom can be taken from citizens in order to secure the democratic foundations and respect for values, and at the same time prevent the unintended transformation of the regime into the authoritarian one. One of the European Union member states hardest hit by the financial crisis was the Republic of Cyprus. The country which, when it joined the EU in 2004, was the undisputed leader among the ten new members in terms of economic development, suddenly found itself on the brink of bankruptcy.[1]

The government of the Cypriot state faced the necessity to carry out a series of unpopular economic reforms, which resulted in an increase in social discontent. In March 2013, the decision to bail-in

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[1] Katsourides, Y., in The Politics of the Eurozone Crisis in Southern Europe: A Comparative Reappraisal, Morlino, L., Sottilotta, C.E., (Editors), Institutional Inertia, Ignorance and Short-Circuit: Cyprus. Palgrave Macmillan, 2020. p. 36-37.

insured depositors came as a huge surprise and caused a shock among Cypriots and foreign investors.[2] The surprise was all the greater, because drastic solutions of cutting costs and freezing assets were so far associated primarily with authoritarian states, and not with a democratic state in which citizens should be able to count on the protection of their savings from state banking supervision institutions. Thus, both the European Union institutions and individual member states, as well as the executive bodies of the Republic of Cyprus, adopted a plan that not only undermined the financial credibility of the state, but could also be interpreted as a violation of the social contract.

Political and economic crises foster radicalization of political attitudes, and at the same time may be used by governments to introduce legal restrictions of political rights and liberties. Some authors pointed to an increase in the threat to the stability of democratic systems as a result of crises.[3] The Cypriot austerity measures could have also led to an outbreak of social discontent and protests. In addition, they could have strengthened the internal enemies of the democratic regime or might have resulted in the emergence of anti-democratic political movements. Undoubtedly, Cyprus faced the dilemma of securing a democratic system and, at the same time, stabilizing the banking system and the budget balance. Yet its government did not decide to follow other EU member states and did not introduce any restrictions to civil liberties. What were the main reasons for this phenomenon?

The study contributes to research on neo-militant democracy and is an attempt to find an answer to the question why, despite the risk of a threat to the democratic foundations of the state during the crisis, the government of the Republic of Cyprus did not decide to limit civil liberties, although such restrictions were introduced by governments of other EU countries to protect political regimes. The analysis allows a better understanding of the mechanisms of limiting civil liberties by governments in the name of protecting democratic standards.

1. Theoretical assumptions

The dilemma of choosing between securing a democratic political system and the simultaneous need to provide citizens with the widest possible spectrum of freedom is not a new phenomenon. Observation of the gradual degradation of the Weimar Republic system during the great world economic crisis and the rise of the Nazis to power in the 1930's prompted Karl Loewenstein to introduce the concept of militant democracy. In his opinion, fascism was based on emotionalism which was a substitute for the rule of law and was the opposite of a rational constitutional regime.[4] Loewenstein also suggested breaking with democratic fundamentalism and using legal instruments to protect democratic regimes and weaken fascist movements. He pointed to a catalogue of available restrictions referring to freedom of speech, freedom of the press and the right to peaceful assembly.[5]

It was the openness of European societies and the unlimited ability to compete for power by various political parties that opened the way to power for populist and fascist groups, which skilfully appealed to the emotions and needs of citizens. The difficult economic situation, high unemployment, and growing ethnic antagonisms only made the task of the enemies of the democratic regime easier. That was the experience of most European societies in the 1930's. Already then, supporters of democracy wondered how to limit the possibilities of anti-democratic forces, while maintaining the democratic system and fundamental freedoms. In the opinion of Max Steuer, the main assumption behind the

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[2] Hardouvelis, G.A., in The Cyprus Bail-in: Policy Lessons from the Cyprus Economic Crisis, Michaelides A., Orphanides A. (Editors), Overcoming the crisis in Cyprus. Imperial College Press, 2016, p. 246.
[3] Krugman, P., "The Return of Depression Economics and the Crisis of 2008", W. W. Norton & Company 2009. Rak, J., "Theorizing Cultures of Political Violence in Times of Austerity: Studying Social Movements in Comparative Perspective", Routledge 2018. Zestos, G.K., "The Global Financial Crisis: From US Subprime Mortgages to European Sovereign Debt", Routledge, 2016.
[4] Loewenstein, K., "Autocracy Versus Democracy in Contemporary Europe, I", 4, "American Political Science Review", 1935.
[5] Loewenstein, K., "Militant Democracy and Fundamental Rights", 3, "The American Political Science Review", 1937. p. 423-424.

introduction of militant democracy was the conviction that unlimited freedom in democratic systems could be used by its enemies to seize power and introduce an authoritarian system.[6]

The definition of militant democracy gradually evolved, which was an attempt to adapt the classic concept of militant democracy to new circumstances and conditions.[7] Over time, along with the increase in the number of potential threats to democratic states, they started introducing new measures of limiting civil rights and freedoms. Researchers also began to formulate definitions of neo-militant democracy. Joanna Rak, for instance, defines a neo-militant democracy as a political and legal structure in which the civil liberties of individuals are limited in order to eliminate the threat of changing this system using legal means.[8] She also distinguishes the number of indicators constituting neo-militant democracy. The list includes the limitations of the freedom of assembly, freedom of the press, freedom of speech, freedom of association, freedom of religion, passive voting rights, active voting rights, referendum organization, legislation on counterterrorism and anti-terrorism, anti-extremism, the limitation of registration and functioning of political parties, restrictions on acquisition of citizenship, and access to public employment.[9] The detection of restrictions within the above indicators makes it possible to determine whether a given democratic system is evolving towards a neo-militant democracy or not. For the purpose of this article, the changes in the restrictions of fundamental civil liberties in the Republic of Cyprus between 2012 and 2019 are taken into account. These liberties include the limitation to the freedom of assembly, the freedom of the press, the freedom of speech, the freedom of association, and the freedom of religion.

The main objective of the article is to specify the reasons why, unlike in other EU countries affected by the financial crisis, no restrictions on civil liberties, characteristic of the neo-militant democracy, were introduced in the Republic of Cyprus. The study draws on qualitative source analysis. The sources include legal acts adopted by the legislative and executive bodies of the Republic of Cyprus between 2012 and 2019, selected academic articles as well as reports of non-governmental organizations monitoring respect for civil liberties in Cyprus.

The study covers the period between 2012 and 2019. The initial turning point is the year of a sudden financial meltdown and the consequent budget problems, banking system crisis and social unrest. In turn, the final turning point was 2019, namely the last year before the outbreak of the global COVID-19 pandemic. Considering 2020 could be confusing due to the numerous temporary restrictions on civil liberties and rights introduced to guarantee sanitary safety. Thus, they could not be analysed in relation to the effects of the financial crisis after 2012 as a new phase of the duration of political structures began with its own specificity and dynamics.

2. Empirical evidence: An analysis of key civil freedoms in Cyprus

The lack of new restrictions on civil liberties in the discussed period does not mean that such measures were not introduced before the crisis. In the pre-crisis period, however, restrictions were placed mainly due to the Cyprus issue and numerous tensions between Greek Cypriot and Turkish Cypriot communities. This was reflected in the Act on Combating of Racism and Other Discrimination of 2011.[10] The provisions contained in this document allowed for a broad interpretation of actions aimed against a given ethnic group and for punishing people who would undermine, for example, the Greek Cypriot negotiating position or their interpretation of historical facts related to the Cyprus question. A similarly broad interpretation of the regulations to the potential detriment of Turkish Cypriots and Turks was introduced in the Act on the prevention and suppression of money laundering and terrorist

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[6] Steuer, M., in The Palgrave Encyclopedia of Global Security Studies, Romaniuk, S., Thapa, M., Marton, P., Militant democracy, Palgrave Macmillan 2019. p. 2.
[7] Thiel, M., "The 'Militant Democracy' Principle in Modern Democracies" Routledge 2009). p. 4.
[8] Rak, J., "Conceptualizing the Theoretical Category of Neo-militant Democracy", 2, "Polish Political Science", 2020, p. 65.
[9] Rak, cf. Footnote 8, p. 65.
[10] Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law of 2011. 2011. Law No. 134(I)/2011, https://www.legislationline.org/documents/id/16288 [L. s. 27.05.2021].

financing law of 2007.[11] The activities of various Turkish Cypriot NGOs or religious organizations, reluctantly tolerated by the government, could be classified as money laundering due to the flow of funds from or to areas beyond the effective control of the Republic of Cyprus.

The situation changed significantly in 2012, when the Cyprus issue was relegated to the background and macroeconomic issues became the most important. At the same time, the main problem in communication between the decision-making elite and the public emerged. Cyprus is a unique state due to the actual division of the territory and the resulting socio-political problems. Successive governments of the Republic of Cyprus practice specific public diplomacy, in which the issues of external threats posed by Turkey, sense of injustice, and collective memory play an important role. Until 2012, it was mainly Turkish and Turkish Cypriots who were responsible for the internal problems and posed a threat to the stability of the Republic of Cyprus, not the Greek Cypriots themselves. Such a narrative worked at critical moments, also to distract citizens from the current challenges and difficulties. Thus, in the post-crisis period, no positive ways of reaching recipients and appropriate communication of the need to implement austerity measures were developed. As a result, citizens were reluctant to accept the government's arguments and it could not count on public support for the implemented reforms.[12]

The social situation in Cyprus became complex and the decision-making elite operated without sufficient social support. The government could thus expect an increase in social discontent and the emergence of anti-democratic forces, as was the case in many other EU countries at that time. And, following the example of these countries, they could attempt to limit civil liberties. Yet no such restrictions were imposed. Why did the government neither strengthen nor impose new restrictions of civil liberties?

Citizens can express their dissatisfaction with the political and social situation by participating in various forms of protests. It is a measure that politicians representing the ruling groups fear most as mass protests often get out of hand. One can notice that freedom of assembly is constitutionally guaranteed, and generally respected and characteristic of democratic regimes. Yet problems often arise in times of crisis, when executive bodies are tempted to restrict freedom of assembly under various pretexts, for example, threats to public order, traffic obstruction or sanitary restrictions. In this context, it is worth pointing out that, unlike in many EU member states, no legal act was adopted that would restrict the right to assembly in the post-crisis period in the Republic of Cyprus. It resulted from the relatively low number of protests and their very limited scale. In addition, social solidarity was also not visible, and only those who were directly affected by new restrictions or legal changes protested against them. Trans-sectional solidarity was not noticeable. Cypriots did not trust politicians as they remembered many unfulfilled promises and attempts to settle the Cyprus issue. Protests in the past did not lead to the postulated changes but were skilfully used by politicians to seize power.[13] Thus, given the lack of significant protests, the situation of the state decision-making elite in Cyprus was much more comfortable than that of those in Greece, France or Spain. In these states socially unpopular reforms led to mass protests and the simultaneous restrictions of the freedom of assembly. The Cypriot citizens, in turn, did not give the government any excuse to restrict this freedom. As a consequence, this indicator, characteristic of neo-militant democracy, did not occur in Cyprus either during the crisis or in the period after it due to the passive attitude of civil society. Citizens did not threaten neither democracy nor the rulers and were not treated as potential enemies. The government was not put under public pressure and therefore did not introduce restrictions on this freedom.

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[11] Act on the prevention and suppression of money laundering and terrorist financing law of 2007. 2007. Law No. 188(I)/2007,
https://www.legislationline.org/download/id/8466/file/Cyprus_money_laundering_terrorist_financing_2007_am2018_en.pdf
[L. s. 27.05.2021].
[12] Papaioannou, T.; Hajimichael, M. "Paradise Lost: Media Representation and the 2013 Financial and Political Crises in Cyprus", 1, "The Cyprus Review", 2015, p. 16.
[13] Ioannou, G.; Charalambous, G., "The social and political impact of the Cyprus economic crisis (2010-2017)" Friedrich Ebert Stiftung. http://library.fes.de/pdf-files/bueros/zypern/14901.pdf, 2017 [L. s. 21.05.2021].

As in the case of freedom of assembly, no attempts were made to restrict the freedom of the press by legislation. The passivity of the media can be indicated as the main reason. A research conducted by Freedom House showed that despite unpopular and costly reforms, the Cypriot media had not exerted pressure on decision-makers.[14] One may wonder, however, whether the negligible number and relatively small scale of the protests were the result of the lack of access to reliable information or the lack of critical engagement of the media was the result of a relatively passive attitude of the society. Nevertheless, it can be stated that, while there were no attempts to legally restrict the freedom of the press, there were several incidents that could indicate that politicians indirectly influenced the media.[15] In 2013, for instance, an advertisement prepared by the Pancypriot Citizens' Movement against the consequences of the bailout agreement was blocked from airing by the Radio-Television Authority. The official reason was the threat of violating the personal rights of one of the leading government politicians, but analysts said the real cause was open and sharp criticism of the commitments made by Cyprus as part of the stabilization of the euro area.[16] Some researchers also pointed to the growing problem of self-censorship among journalists at that time.[17] Research on media freedom in Cyprus shows that although freedom of the press is generally observed, politicians often try to exert pressure on journalists and their editorial offices.[18] However, the incidents mentioned above cannot lead to the conclusion that press freedom in Cyprus has been restricted during the crisis or in subsequent years. No change to this indicator, which would be characteristic of neo-militant democracy, was recorded in the analysed period. The main reason was the fact that the media did not exert significant pressure on the government with reference to the austerity measures. It was mainly the result of a high degree of subordination of the media, especially public ones, to the government or dominant political parties.

In Cyprus, the freedom of expression is also constitutionally guaranteed. On the basis of article 19, "every person has the right to freedom of speech and expression in any form".[19] In 2012-2019, no legislation was adopted that would limit the freedom of speech, and thus hinder or prevent open criticism of the actions taken by the government. Similar to freedom of assembly and freedom of the press, low civic participation resulted in the government not introducing measures to restrict freedom of speech. Public criticism was not of an organized, mass, and institutionalized nature.[20] Thus, the government did not have to take any decisive actions and did not restrict this freedom.

Neither have any elements typical of neo-militant democracy been introduced in the area of freedom of association. This constitutionally guaranteed freedom is also generally observed in the Republic of Cyprus. There were no legislative attempts to block the creation of associations or other types of organizations in the post-crisis period, although following reports from other EU countries affected by the crisis, especially Greece, the government of the Republic of Cyprus had to take into account the emergence of anti-governmental interest groups. Yet such a phenomenon did not occur in Cyprus. The activities of the existing non-governmental organizations and trade unions did not exert any significant pressure on the executive bodies, and thus the need to block their activities was not noticed. There were also no attempts to create new entities of this type.[21] In this case, one can point to a correlation with a relatively low level of citizen activity during and after the crisis which were presented earlier in the article.

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[14] "Censorship and self-censorship in Cyprus" Resource Centre on Media Freedom in Europe. https://www.rcmediafreedom.eu/ Censorship-and-self-censorship-in-Cyprus, 2021 [L. s. 20.05.2021].

[15] Gage, A.G., "Cyprus" Free Speech and Free Press Around the World, https://freespeechfreepress.wordpress.com/cyprus/, 2020 [L. s. 21.05.2021].

[16] cf. Footnote 14.

[17] Iordanidou, S.; Takas, E.; Vatikiotis, L.; Garcia, P., "Constructing Silence: Processes of Journalistic (Self-) Censorship during Memoranda in Greece, Cyprus, and Spain", 1, "Media and Communication", 2020.

[18] Christophorou, C.; Spyridou, L.P., "Cyprus" Centre for Media Pluralism and Media Freedom, https://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/cyprus/, 2016 [L. s. 26.05.2021].

[19] Article 19, Cyprus's Constitution of 1960 with Amendments through 2013, 2021. https://www.constituteproject.org/constitution/Cyprus_2013.pdf?lang=en, 2021 [L. s. 17.05.2021].

[20] Gage, cf. Footnote 15.

[21] "Cyprus: Freedom in the World" Freedom House, https://freedomhouse.org/country/cyprus/freedom-world/2020#CL, 2020 [L. s. 18.05.2021].

The last indicator is freedom of religion. It is also constitutionally guaranteed and generally respected in Cyprus. Orthodox Christians in the Republic of Cyprus clearly dominate and enjoy various privileges, such as teaching religion in a public school. The 1960 constitution also guarantees the rights of Muslims, who until 1974 constituted a significant religious group, and now the vast majority of them live in the northern parts of the island which are not controlled by the Republic of Cyprus. However, no legislation that could be classified as an attempt to limit the freedom of religion was adopted between 2012 and 2019. What is more, the causes of the crisis were purely of economic nature and they did not arise from the tensions between Greek Cypriots and Turkish Cypriots, which are mainly ethnic-based. Any sectarian discrimination or incident is related to the unsettled disputes between Greek Cypriots and Turkish Cypriots, and not to the economic situation on the island.

Conclusion

Before the financial crisis, there were elements typical of the neo-militant democracy in the Cypriot legislation, but they mainly related to the unresolved Cyprus issue and ethnic tensions between Greek Cypriots and Turkish Cypriots. However, the level of restrictions was relatively low, and civil liberties were guaranteed. The situation did not change after 2012, when the financial crisis began and the severe austerity measures were introduced. The main reason for this phenomenon was a relatively low social resistance to the new fiscal, banking, and budgetary policies. It was not organized and of a mass nature even though the state was on the verge of bankruptcy. One could notice the society's fatigue with political problems related to the unsettled Cyprus question and a lack of trust in politicians who made empty promises regarding this problem for many years. The decades of unfulfilled promises and the fruitless protests certainly resulted in a significant decline in political and social activity on the part of citizens during the financial crisis after 2012. The outbreak of this crisis coincided with another unsuccessful round of negotiations between Greek Cypriot and Turkish Cypriot delegations. Over a hundred meetings of negotiators representing both sides took place between 2008 and 2011, with no progress on the key contentious issues.[22] Public opinion was tired of reports of successive failures, and at the same time citizens were losing faith in the driving force of politics. The many years of activity of various non-governmental organizations and periodic protests did not bring practically any results, and certainly did not translate into approximating negotiating positions. Cypriot citizens had to be convinced that also their actions in response to the anti-crisis measures introduced by the government would be equally ineffective. Therefore, the solutions or financial obligations introduced by the government did not encounter significant social resistance and therefore it was not in the position to limit civil liberties between 2012 and 2019.

One should also pay attention to the fact that in no other EU country affected by the post-2008 financial crisis has there been a parallel problem of pending and long-standing dispute between the two communities, which has been and continues to be the main point of reference for Cypriot politicians and the public opinion. This factor also contributed to a significant decline in citizens' trust in politicians and the loss of faith in the effectiveness of political activities.

The study shows the main reasons for the lack of restrictions on civil liberties in Cyprus in the post-financial crisis period and complements research on neo-militant democracy in contemporary Europe. The government decided not to limit these freedoms, because it did not perceive citizens as a threat to the stability of the democratic regime. Thus, it was not faced with the dilemma of how much freedom to take from society to secure the duration of the democratic system.

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[22] Michael, S.M.; Vural, Y., in Cyprus and the Roadmap for Peace: A Critical Interrogation of the Conflict, Michael M.S., Vural, Y. (Editors), A new approach to an old conflict: Identifying the problem and imagining the solution, Edward Elgar Publishing, 2018. p. 7.

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19. Steuer, Max. "Militant democracy" in The Palgrave Encyclopedia of Global Security Studies, ed. Scott Romaniuk, Manish Thapa, Peter Marton. Cham: Palgrave Macmillan, 2019;
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STRUCTURING RESILIENT EDUCATIONAL PROGRAMS

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Abstract

Educational leaders are questioning the "traditional' curriculum, does not provide students with the appropriate employment skills for the modern industrial and knowledge economy. The context of this article is the choice of metaphor to best communicate our Master of Business Administration program. Our design is grounded on systems thinking and two important concepts are stressed, organization structure and operational excellence. The article does not justify this design but concerns how best such a design could be communicated to the reaching staff, students and other institutions.

Keywords: Employment skills for business, Operational Excellence, Curriculum development.

Introduction

The aim of this paper is to explore current state of resilience of educational programs. In order to explore the possible reactions of the programs to the changes and to give recommendations to building a resilient educational program the research identifies the elements of the educational program that enable the program to adapt to the changing needs and learn. In the scope of the research, we have analysed master programs in business administration and what they offer all over the world and conducted a qualitative study of the master programs offered in Georgia.

Research questions addressed in the research were: 1. to identify the key elements influencing the resilience of the programs; 2. to assess the current ability of the programs to cope with the changes; 3. to give recommendations on the possible structure of the program that will enable the program to become more resilient. In order to answer the following research questions, we conducted a desk research of educational programs identifying the elements of resilience and through interviews with program representatives who participated in the qualitative study discussed them in the chosen programs. We compared and contrasted the information from the desk research to the information received through the interviews and created a recommended structure of the educational program which was used to create an educational program.

Each objective of the research is significant as they contribute to the overall aim of the research, provide valuable insights for institutions that plan to create educational programs and to the existing knowledge of structuring of the unit and addressing the challenges of the adaptation to the ongoing changes to stay relevant.

The first master of business administration educational program was created in 1905 by Harvard University and gradually became a major means for obtaining management positions. It is now offered by over 15000 universities world-wide and is the flagship for most business schools but the latest

report by GMAC (Graduate Management Admissions Council) has confirmed that admissions to programs around the globe are declining[1].

This paper begins by identifying some of the challenges faced by the educational degree programs today. One way to meet these challenges is to change perceptions about the nature of education. The paper suggests that this can be achieved by changing the metaphors that we use. It then describes a new educational program offered which is based on system thinking and aims to develop the critical and reflexive skills to address the identified challenges. One immediate challenge is the choice of delivery. In all educational courses, there is increasing competition from online courses such as MOOC's and Coursera. This trend for online learning was exacerbated during the Covid pandemic. Most degree structures now allow for a blended approach of face-to-face and online learning, but we think that there are deeper challenges facing the program.

One such challenge concerns what is being taught. Various developments in industry, global changes and re-evaluation of the earth's resources have triggered a conversation about the very purpose of education, particularly with regard to developing the skills to handle all the problems associated with the global economy. The rise of robots, AI developments and new management practices are developing at exponential speed. Does what is being taught in the program reflect these changes? There is an opinion that this is not so and only a standard view of the market is being taught[2]. Academics are now questioning the "traditional" professional focus, that historically has been used for preparing students for specific career paths like business, law, medicine, or engineering. There are now serious debates about offering a more liberal education. A Liberal education (sometimes referred to as general education) puts an emphasis on a broad interdisciplinary curriculum, promotes an understanding of general principles that can be applied to many different areas.[3] It covers the importance of cultural awareness when solving problems, as we work in a global and diverse world. Learning outcomes focus on developing creativity and critical thinking as the new era requires new solutions to the problems we have not encountered before. Another feature of liberal education is teaching effective communication as an important skill. These ideas suggest that a requirement for a modern workforce is for generalists who are adaptable to the changing environment, who know how to learn necessary information for continuing to function, and according to Piaget and Vygodsky, as they discussed in the theory of cognitive dissonance[4], one can "manage and assimilate greatly expanded quantities of information"[5].

Master educational programs (especially in the top universities) have always provided a good opportunity for networking both with top companies and with fellow students who will probably be the next industrial leaders[6]. This is still the case but the cost of the top programs (upwards from $100 000) is so high that it must be weighed against the value delivered[7]. Different universities have chosen different strategies for the programs, however as a result of the analysis we have identified the elements of the educational programs that help the programs be resilient. Among the elements studied, firstly we discussed the flexibility of the curriculum design, a curriculum that can eb easily adaptable to emerging trends and disruptions by separating the core elements that develop the thinking of a students and disciplines that provide specific insight into the field, therefore preserving the integrity of the whole program. The second important element of the program building identified by us was the student-centered approach, that allows the teaching process to be tailored to the student, as well as supporting the well-being of the lecturers in the program, allowing both the student and the lecturer development in the process of technology integration and addition of new disciplines that give both parties an opportunity to advance. The third element identified was the resource management and crises management elements in the educational program. Among the programs studied we explored how the continuous evaluation and improvement were planned with the resources that programs

[1] Byrne, J., "It's Official: The M.B.A. Degree Is In Crisis", 2021.
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possessed and the degree of preparedness to the emergency crises, providing alternative learning options, support mechanisms were planned in advance.

These challenges suggested that a change in perception of an educational program was needed. The qualitative research conducted with the representatives of the educational programs in Georgia allowed us to measure the above mentioned three major elements for the existing programs and identify the gaps and areas for improvement. Among the questions asked to the participants, we explored the vision of long-term success and perception of resilience and how it contributed; the impact of the existing program structure on the resilience of the program; the impact of prior crises management experience in enabling the resilience of the programs; and the practices and roles of feedback and continuous improvement mechanisms for enhancing the chances of the program to become resilient.

This article suggests that one way of effecting this change is to change the metaphors we use when describing education in general and the MA and BA in particular. Our mind works in interesting ways. Metaphors are steeped in the collective unconscious and are used extensively to see things in a different way and when things are seen in a different light, many new thoughts are created[8]. Using metaphors is thus a fundamental mechanism of mind, one that allows us to use what we know about our physical and social experience to provide understanding of countless other subjects. We are so familiar to some metaphors that we hardly notice them[9]. We now focus on the choice of metaphor that could best communicate the new educational programme designed.

Methodology

Qualitative Research study was selected as a comprehensive approach to explore how the educational programs are designed in Georgia and identify the logic behind structuring them as organic systems presented to the accreditation process. The interviews were conducted with program heads of different educational institutions aimed to uncover the interdependencies and dynamics of the structure and consider if they incorporate the principles of viability. This methodology allowed to delve into the specific context of Georgian labour market and the regulatory framework for the educational programs offered in Georgia to support their organic nature.

The discussion during the interviews was structured in four categories: we explored the vision of long-term success and perception of resilience and how it contributed; the impact of the existing program structure on the resilience of the program; the impact of prior crises management experience in enabling the resilience of the programs; and the practices and roles of feedback and continuous improvement mechanisms for enhancing the chances of the program to become resilient.

During the interviews, the research design included case study of existing educational programs which provided a holistic approach on the program structure, in-depth analysis through the methodology and exploring the structure necessary for implementing an organic educational program. The respondents shared the structures of the programs and the organic nature of the structures was discussed, as well as challenged identified.

Desk research of the primary data collection allowed to gather wide range of information to receive detailed insight in how educational programs are planned in Georgia and throughout the world. The collection of different practices and the use of metaphors helped capture the perspectives, experiences and expertise in developing structuring and running academic programs. Observation of the success factors of the programs studies helped reveal the tendencies in decision-making and provided an additional context for educational industry.

Secondary data included academic literature and previous studies which provided a solid and broader understanding of the topic under study. Success stories of educational programs were also considered as samples of an organic program structure.

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[8] Reinders, D., "The role of analogies and metaphors in learning science", 1991.
[9] Lakoff George & Johnson Mark "Metaphors we live by", 2003.

Purposeful sampling of business administration programs ensured the representation of the selected programs of the general industry, factors such as size, market position and relatively comparative programs allowed to consider that the selected educational programs under study provide valuable insight for the research purposes.

Analysis of the data collected underwent thematic analysis, systemic approach allowed to identify tendencies, themes and patterns, allowing to draw conclusions of the structuring features of the educational programs.

Informed consent was obtained from the participant education program heads for the interviews, data sharing and their voluntary participation was ensured as well as the confidentiality of the specific information.

Limitations of the study include that it is important to acknowledge that the findings of this study while it can be generalized for business education programs, might have limitations when generalizing to other educational programs considering unique characteristics of the context of the selected field, however providing generic theoretical contributions.

1. Explaining Structuring of the Educational Programs using Metaphors

One way of changing the perception of an educational program is to examine the metaphors that are used to promulgate them. We looked at three metaphors: knowledge as a commodity metaphor, the machine metaphor and an organic metaphor.

1.1. Knowledge as a Commodity

A contentious issue at the present time is Intellectual Property Rights which implies that knowledge is the property of its creator. We talk about transferring or transmitting knowledge. We store knowledge in the cloud. All these expressions are using the metaphor of "knowledge as a commodity". This idea has a long and illustrious history with the concept of a "master craftsman" at whose feet novices were instructed. It is an effective way of training people to become adept at a certain skill set and to earn a living. This process is shown below in figure one, where the gap reflects some defined difference in knowledge between the deliverer and the receiver. The size of this gap determines the amount of what can be transferred which is then subject to a transfer strategy. The transfer diminishes the gap by augmenting the knowledge of the receiver. The process will theoretically continue until the gap is zero and the receiver has reached the same level of knowledge as the deliverer.
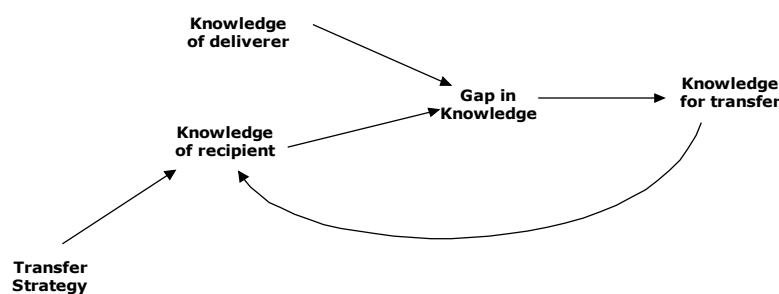
Figure One: Knowledge as a Commodity

There are many criticisms of this process. It primarily addresses the question "HOW" – how one does something. This is important and is responsible for the high-tech world in which we live but Homo Sapiens is a social being who also needs to assimilate into the surrounding environment whether it is personal, local, regional, national or global. To enable this assimilation, there are agreed norms and skills required. For this reason, the process worked well for the master craftsmen where an apprentice had to master a set of proven skills or procedures which did not appreciably change over time. An equally important question concerns the question "WHY". What is the reason of what we are doing? Is it ethical? Is it moral? Is it good for the planet? Thus, we can distinguish between three different

types of knowledge: - savoir - faire (which is the knowledge of how to do things), savoir-etre (which concentrates on reasons why we do things) and savoir-vivre (which is the knowledge of how to live)[10]. The process shown in figure one is ideal for savoir-faire but does not work for the other two. These cannot arise from instruction but must arise in the mind of the learner – it requires an input from the learner. It cannot be simply transmitted by opening the brain of the learner and pouring knowledge into it.

The work of Chris Argyris ("double loop learning.") relates closely to the challenge of teaching savoir-etre and savoir vivre. The single feedback loop shown in figure two corresponds to the process described in figure one but humans have a basic need to develop a set of beliefs about why things are the way they are (our culture). This desire to understand the world around us, rests on the information and experiences that are used to create these "beliefs"[11]. Festinger found that there was a difference between what people actually believed and what they professed to believe. This is known as Cognitive Dissonance[12]. There are certain social pressures that force us to "follow the herd. According to Festinger, the double loop learning is a process that tries to identify the real beliefs, and based on them it creates a second feedback loop, shown diagrammatically in figure two. Here we examine the context of a learning situation. The organisational culture plays a large role in any learning and if new learning is needed then the culture must be changed. This fits with the constructivist theory of knowledge.[13]
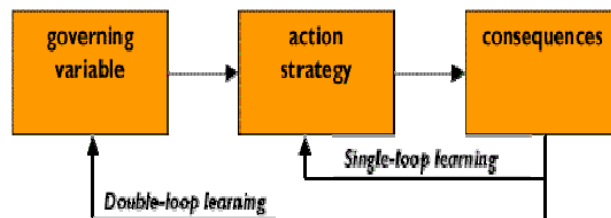

Figure Two Double Loop Learning

Another criticism concerns the transfer strategy. The process in figure one assumes a rigid, separated, distinct deliverer-recipient, teacher-learner, master- apprentice, professor – student dichotomy[14]. How rigid and distinct is this distinction? A teacher may (and should have (a particular expertise usually in a very small specialisation but in other areas the student may know as much. As teachers ourselves, we earn from students and we trust that they learn from us. Also, the first part of this dichotomy is supposed to pass on facts to the second. But what are facts? Facts (Latin "factum" meaning "done", "completed") are regarded as true and cannot be for one thousand years, it was a fact that the earth is the centre of the universe. Now it is a planet revolving around the sun, something changed by the receiver. Different societies agree on which facts are to be sanctioned and which are not the first task is therefore to more clearly define what a fact is. The more one studies "facts" one realises that there are just social constructs. They vary from age to age, from culture to culture and from nation to nation. Currently, much is being made of Deep learning and Intelligent Algorithms. Due to technological advances, vast amounts of data can now be stored in the Cloud. This is an excellent example of "knowledge as a commodity" Search engines have been created what can look for an identify patterns which is called "Deep learning.[15]" Patterns can be observed and, on that basis, predictions can be made. A major force behind this area of such machine learning has been greatly enhanced through the development of neural networks. This replicates the process shown in figure one. It originated from Hebbian learning where learning was defined as neural connections in the brain which fire in response

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[10] Erickson L.ars, Berka Sigrid, Perez-Ibanez Inaki., Tracksdorf Niko, La Luna Michelangelo, "Using Byram's Five Saviors to Measure the Development of Intercultural Competence in Covis-19 Era During an Engineering Sojourn Abroad", 2021.
[11] Argyris, C., "Teaching Smart People How to Learn", 1991.
[12] Festinger, L., "A Theory of Cognitive Dissonance", 1985.
[13] Freeman Linton C. "Centrality in Social Networks", 1978.
[14] Omilion-Hodges Leah M., Wieland Stacey M.B, "Unraveling the Leadership Dichotomy in the Classroom and Beyond", 2016.
[15] Smith, T., Colby Susan "Teaching for Deep Learning", 2010.

to a given stimulus[16]. Learning "by rote" reinforces these connections. Neural Network software transfers this process to a computer. Is this the future of education?

A graduate certainly needs to know how to apply certain techniques and so the process in figure one is useful, and we are not advocating its removal. What we are saying is that by itself it is not enough as it is not a good way of reaching understanding. When faced with a new managerial or business problem, it is not enough to know how problems were solved in the past. These may or may not suggest a solution. We are aiming to produce someone who is accustomed to thinking for themselves and can understand all the issues involved in the decision making. For this we need a new metaphor.

2. Research findings - Designing the new Educational Program

We decided to use the organic metaphor as its raison d'etre but that still left the structure to be decided. The first model we attempted is shown in figure three[17]. The structure resembles a classical Greek temple which are famous for their elegance and their aesthetic appeal. The temple (structure of the degree) is built on firm foundations and has strong pillars to support the edifice. We established the foundations for our educational program as Systems Thinking. The two pillars of the degree (Organisational Development and Operational Excellence) are firmly attached to this base, and they support a portico, which contains the rest of the courses. This is a solid structure and conveys the impression of ancient wisdom and permanence to create an educational program which will most likely endure.
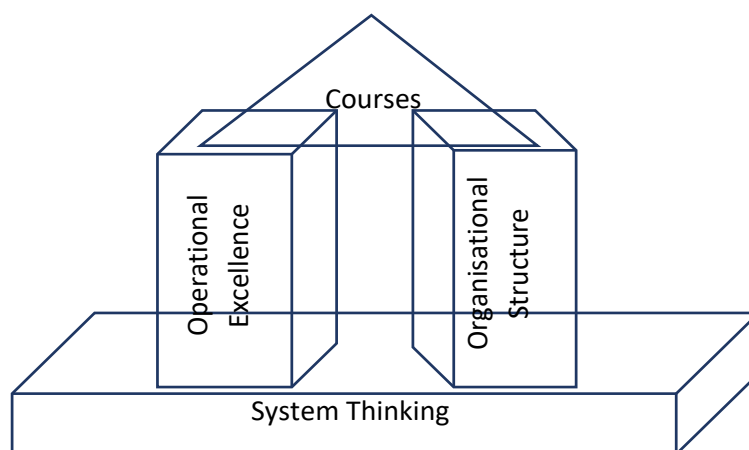

Figure Three: The classical metaphor

But this structure can still be criticised. The structure is built to last but is this the only purpose of this structure? Is it to impress? Does one admire the design rather than the reason why it exists? If we observe the Parthenon today, it is a shadow of its former self. It has been subject to the ravages of time but because the shell is still standing, one can still appreciate its beauty even if it no longer generates the" awe and wonder" it was designed to create. Although the time scales are different, this criticism can be applied to the use of this structure for our program. When exercising the teaching program, we experienced some difficulties with nonuniform changes to two pillars we included in the structure, thus concluding that this could lead to the distortion of the balance and furthermore the destruction of the structure. Yes, we wanted solidity, coherence and usefulness but what we have is a rigid, static structure. The structure has no opportunity for natural growth. Moreover, if this structure is subject to environmental shocks, it could easily collapse. It has no innate capacity to balance the growth, learn or develop gradually. To survive rapidly changing business environment and not collapse, one must be uniformly flexible and adaptable. A better structure was needed.

As a part of the research the interviews were conducted with program heads of different educational institutions aimed to uncover the interdependencies and dynamics of the structure and consider if they

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[16] McClelland James L., Thomas Adam G., McCandliss Bruce D., Fiez Julie A., "Chapter 5: Understanding Failures of Learning: Hebbian Learning" 1999.

[17] Maisuradze, T., "The Importance of Metaphor", 2023.

incorporate the principles of viability. The respondents shared the structures of the programs and the organic nature of the structures was discussed, as well as challenged identified.

As a result of the interview three main challenges were identified that would create a possible threat to the structure of the program. The respondents shared among the top risks the solid foundation that the program should be built on. In most of the cases the foundation was provided by the core knowledge of the disciplines that was taught in the first semester of the study, however the disciplines separately were discovered not enough to build a solid foundation unless they are taught in an applicable way. The foundation according to the respondence should focus on more about the basis for thinking in a way that would enable the student to acquire systemic understanding of the field.

The second challenge while teaching was revealed as we explored teaching of the best practices and examples to business students in a changing business environment. Some program heads agreed that the best practices should be taught but the applicability of these best practices is we believe the challenge we need to deal with. Due to constant changes in the demand of the customers, the industry and the trends, teaching best practice might not give a solid ground to ensuring the right decisions will be made during future employment as managers.

The third challenge emphasized was how to teach the operational excellence in a dynamic and changing world, that would still keep in balance with the established policies and structures. The educational program faces a dilemma of either teaching the solid accepted concepts and traditional approaches or the innovative and creative approaches that will eventually become disruptive to well established policies within the organization.

Understanding the importance of solid foundation of applying knowledge and thinking in a certain way, the balance of the accepted structure and the excellence in operations which requires constant development and change, the classical temple metaphor revealed to present logical risks discussed by the interviewees.

3. Renewed structure as a result of interviews conducted

The interviews conducted with educational program heads allowed us to get a holistic view of how the existing educational programs can be made viable and also identify the factors that would enable the program to be organic. Firstly, the vision of long-term success and perception of resilience and how it contributed to the program was explored; Secondly, the impact of the existing program structure on the resilience of the program was discussed with the representatives of the educational program; Thirdly, the impact of prior crises management experience in enabling the resilience of the programs was discussed. The analysis of Covid-19, online teaching and the changes to the existing programs, as well as the results assessing the learning outcomes during pandemics was discussed; and lastly, the practices and roles of feedback and continuous improvement mechanisms for enhancing the chances of the program to become resilient were assessed by the representatives.

Based on this we developed a metaphor close to nature. In nature, everything depends on the Sun. The sun supplies a stream of high-energy. Low entropy photons, which are incident on plants, algae and cyanobacteria whose cells synthesise the basic units of organic matter on which the rest of the food chain depends. Operational Excellence can be defined in many specific ways, but the general meaning is clear - it is striving to improve on the part of the individual, the organisation, the design team. We decided to use the sun as a symbol for Operational Excellence. By using this analogy, we are moving away from the search for a predetermined truth and facts – the endpoint is not seen as the end of a path but a journey which rests on experience, theories and practices and seeing what emerges. This way we overcome a challenge of not being able to balance the accepted procedures and structure with the demands of the change required for excellence in existing operations. We still regard System Thinking as a foundation for the degree but now present it, not as a solid foundation but as soil in which the degree can take root. Here the shift is made to the ability to apply the foundation knowledge and think in systemic way to be able to make right decisions in the everchanging business environment.

What we used for an analogy was a sunflower. The head of a sunflower always turns towards the sun and thus it is hoped to convey that our course always looks to operational excellence. This is its goal,

its purpose and its path. The soil represents System Thinking and it is here that the seed for the educational program are planted. Its roots are its organisational structure. This is loosely based on the learning organisation first proposed by Peter Senge in the 1990's[18]. The innovation about the program structure is that a Learning Organisation which includes policy makers, top management, academic staff, students, and businessmen) has been created. A learning organisation concentrates on developing a shared vision between all its members – in our case, this is the pursuit of excellence through sharing existing mental models as well as developing corresponding skills. It also actively promotes team learning. A repository of knowledge will be created where existing knowledge is stored for access by all staff. New knowledge and practices will also be sought out and incorporated into this repository.

Thus, our education program has its own knowledge management system where all knowledge and innovation are transferred into the program structure. If team members change or leave, the knowledge remains, and the program culture pervades. In this way, the program keeps its identity and can "grow". In this sense, it can be called organic. It is the fact that the our educational program has been designed as such a learning organisation, that gives the program its distinctive, unique identity. The sunflower is a metaphor for our educational program. The whole structure is growing. learning and developing.

Soil needs care and attention. To continue with the farming or organic analogy, it can easily be exploited in the interests of quick returns and fame. Fertilizers were introduced to further this process but the problem in replacing mixed farming with monocultures is that it relies on artificial means. Overuse of chemicals killed the soil. Previously, fertilisers had come from the waste of animals who lived on the farm and a natural balance was preserved. In our sunflower model, the importance of fertiliser is recognised but they are not artificial. They come from the experience of the staff teaching the courses, from the feedback of students taking the courses and from the incorporation of new ideas in teaching and assessment. There is self-referential feedback loop here – the soil provides the means for the flower to grow which in turn produces the fertiliser for the soil. A truly organic metaphor.
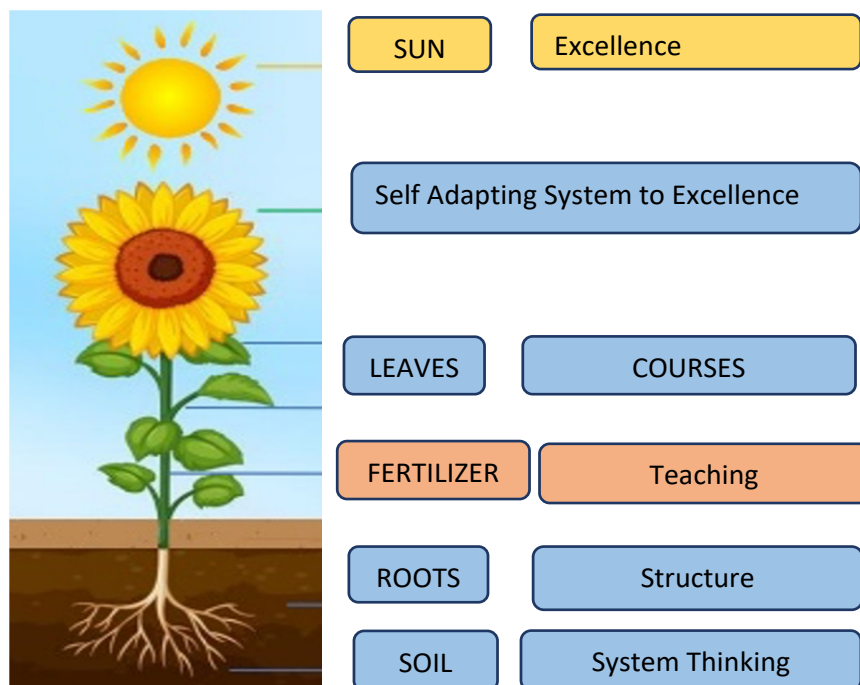

Figure Four. The Sunflower Analogy

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There is a difference between the words: reflex and reflection. A reflex is a response to a stimulus such as observed by Pavlov. This is a mechanical process and corresponds in education to Hebbian

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[18] Senge, P. M., "The Fifth Discipline: The Art & Practice of The Learning Organization", 2006.

learning mentioned earlier. Reflexivity is a conscious activity where the person thinks about what has happened and how it can be improved. The learner is encouraged to take charge of his learning instead of waiting for it to be passed down. This is an element of self-motivation. The process encouraged in our educational program is called kaizen. (see figure five) Kaizen is a part of the Toyota Way where the company encourages "continuous improvement" This entails a thorough inspection and determination of every task.

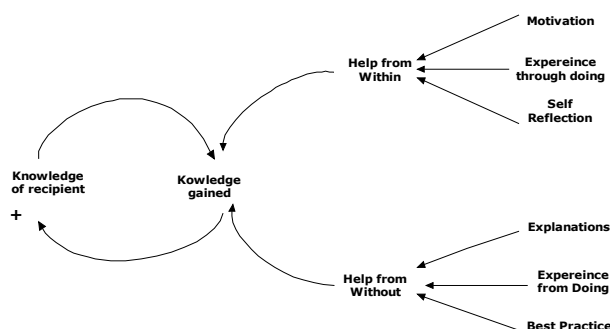Using these ideas, we can replace the process shown in figure one by the following one

Figure Five: The process.

In this process, it can be seen in the left-hand side loop that recipients gain knowledge as in figure one, but the difference is the manner in which they do it. The knowledge is not passed on but is a consequence of their actions. They can still receive help from outside such as lectures, examples of best practice from business and published literature but there is a substantial self-help aspect – through self-reflection, self-motivation and especially by doing, by action.

Conclusion

Institutions that share the idea of liberal education are starting to appear around the world, (especially in Eastern Europe) where they are designing education systems to fit the changing political and economic environment with adapted teaching, learning, and assessment structures and methods. In emerging democracies like Georgia, liberal education is believed to be "a means for developing a critical and participatory citizenry"[19][20]. Emerging economies in emerging democracies require both specialists trained for science and technical professions as well as strong leaders with creative and critical thinking. These skills include creativity, adaptability, and the ability to give broad ethical consideration to existing and ongoing social developments.

Research aimed at exploring current state of resilience of educational programs, their response to the changing environment and recommendations to building a resilient educational program. We believe that with the right metaphor, the necessary philosophy of structuring of a resilient educational program will allow the designers of the educational program to build a structure that will survive. In order to survive we explored the key elements influencing the resilience of the programs and the current ability of the programs to cope with the changes. After this we provided recommendations on the possible structure of the program that will enable the program to become more resilient.

We believe that our suggested structure challenges the whole concept of teaching as a transfer of facts. It can be compared more to a string quartet. Here, there are four instruments, each with a different voice depending on timbre, size, condition and the ability of the player. The composer weaves (or braids) them to produce a single outcome which is a harmonious and presumably beautiful sound. The metaphor is "to braid". Braiding involves taking several strands and interweaving them together. The braid is a new entity but emerges from the strands. The "learning process" can thus be considered a braiding, while the skill in being a good teacher with which the strands are braided. Different braids are needed for different circumstances, there is no universal braid, so the teaching personnel is chosen

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[19] Altbach P. G., Reisberg Liz, Rumley Laura E., "Trends in Higher Education, Tracking an Academic Revolution", A Report Prepared for the UNESCO 2009 World Conference on Higher Education, SIDA/SAREC, 2009.
[20] Maisuradze, T., The Importance of Metaphor, 2023.

based on their ability to be flexible and to adopt. In the same way, each teaching process, although using similar strands, is different. Diagrammatically this is shown in figure 4. The mechanisms of assessment that are considered during the teaching process allow the reflection of both the students and the lecturers, help them create the repository necessary for the next courses and the reflections help modify the existing elements of the program in a natural balanced way to support the viability of the program.

The design team of a program should investigate how best to communicate the novelty of their degree. Two traditional metaphors were debated, found wanting and exercised. As a result of executing the program for one year, the team gave priority to the sunflower metaphor, considering that this metaphor suits the identity of the program and communicates on a deeper level than just mere words. Ongoing process of the program development involves on one hand international experts pairing with local lecturers and exchanging the latest advances in the fields and tendencies and on the other hand including academia in teaching process to allow the development of each teaching module and integrate the market changes into the teaching. Having built the structure that naturally evolves, adopts to the changes and strives for excellence like towards the sun, we believe that this kind of educational program is a good example of how the teaching should be structure for the future needs.

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DEFINING THE ROLE OF CIVIL SOCIETY IN DEVELOPING COUNTRIES

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Abstract

Civil society is a springboard for building democratic values. The definition of civil society informs us that its main purpose is to develop a specific issue for a self-created group, which ultimately affects the good of the state. Over the centuries, the relationship between the citizen and the state developed in different ways, and today, different legal norms regulate their relationship. The conversation started at the end of the last century, when the states came to the conclusion that democratic states or states on the way to democracy should not go to war with each other. But the question is how democratic values and the essence of its value are determined. We may be talking about the importance of creating an equal and free environment, but the state alone cannot establish all of this if citizens' consent and their actions are not interconnected. In particular, citizens were given the opportunity, of course, within the framework of the law, to make various important decisions, which actually will not only help them, a specific group, but will also have a positive impact on the state. Nowadays, a number of associations are formed, the most popular are non-governmental organizations, the main area of which is the protection of human rights as much as possible within the state, raising awareness in various directions from the information point of view, etc. It should be added that the non-governmental sector is a significant push in society, especially in Central Europe and the USA. In addition to non-governmental organizations, which mainly operate in the private sector, at the local level, the central government creates various associations where the local population is involved, and in fact, this becomes an example of the fact that the government is interested in the opinion of the population and, based on certain initiatives, has influence through the involvement of the people. This last particular approach is, in practice, a bit difficult for developing countries to implement as they are still in their infancy. Therefore, in developing countries, the non-governmental sector is more relevant and effective. Additionally, one of the significant directions of civil society is the media, which has a great influence on the population within the state. We can safely say that the more independent and demanding the media is, the more healthy and correct information is spread, which is an important key to the formation of society on specific issues.

Keywords: civil society, legal norms, non-governmental organization, media.

Introduction

There is little information about civil society in Georgian sources, on the basis of which it is difficult to understand its important essence. Basically, we get information in articles offered by non-governmental organizations, which, unfortunately, have less response. Due to the fact that the functioning of civil society is quite active in democratic states, they try to show and offer developing countries through various mechanisms, which is manifested by holding various international forums, sharing practices or adding training courses at the university level, where the importance of civil society is discussed. The relevance of civil society derives from its essence, which involves strengthening citizen involvement and building strong institutions within the state. In developed countries, such as Western Europe and the USA, the civil sector works strongly and there are a number of associations represented in the form of clubs. In developing countries, like our country, it is relatively less developed, and that is why it is important to understand and strengthen the platform of civil society. In order to create a democratic society, it is necessary for the central government to

consider the opinion of the people and then, based on this opinion, make decisions about what the people really need and how the state can provide some help. On the one hand, the state has certain obligations, like a citizen, so civil society is a chain for mutual reinforcement of these two institutions. The fact that it is a necessary norm of the state, namely the protection of the government, its citizens and their care, it is also the citizen's obligation to engage in such projects that will contribute to the development of the state. Eastern European countries spent a lot of resources for development and today they are on the right course. To a certain extent, the European Union has contributed a lot to this, although their determination to create an environment for the population where all their interests will be protected is commendable. The European Union is an economic organization, but its members are obliged to have a politically created environment where there will be a high degree of democracy. It is necessary that human rights are protected, a pluralistic environment is created, and most importantly, the rights and opinions of a specific individual are inviolable. The European Union is actively involved in the strengthening of civil society, which is confirmed by the documents proposed by it and a number of summits /forums, where the representatives of the states share the best practices with each other in order to strengthen the citizens. In addition, when the European Union began to expand, and among them, Georgia expressed an initiative on the status of membership, the European Union developed a civil society development project related to the civil society mechanism of the Eastern Partnership. The project description states that - The Eastern Partnership Civil Society Mechanism is an EU-funded project that works with six Eastern Partnership (EaP) countries, including Georgia, to strengthen civil society organizations (CSOs) and increase the role of activists. The following activities are discussed in the project;

- learning opportunities for civil society;

- annual civil society hackathons to develop new ideas and tools for transparency, accountability and participation;

- Civil society scholarships to support 120 civil society activists from the region. Regional network and participation of civil society representatives in relevant regional and international events.

The overall goal of the project is to strengthen participatory and inclusive democracy in the Eastern Partnership. The aim of the project is to strengthen the role of Eastern Partnership CSOs and activists and increase their involvement in policy-making processes and policy dialogue, promoting reforms and public accountability. Therefore, the final expectations are also discussed in the project;

- Strengthening the capacity of EaP civil society organizations and activists to engage in policy-making processes and policy dialogue, promote reforms and public accountability, promote local democracy, local development and engage citizens in public debate;

- To strengthen the accountability and transparency of the work of CSOs. Improve the public image of the role of civil society in the Eastern Partnership.[1]

Based on the specifics of the article, it is necessary to determine the following goals, namely to determine what role the existence of civil society has for developing states and how much the activation of civil society contributes to the protection of democratic values. Accordingly, we developed the following tasks based on the goals;

- to study the basic essence of civil society;

- to define the constituent types of civil society;

- to study the civil society of Eastern European (Baltic) states;

- To study the existing civil society in Georgia and determine what challenges they are facing.

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[1]Eu neighbourseast. Eastern Partnership Civil Society Mechanism.

1. The essence of civil society

Civil society is a phrase often found in the media and politics, but its correct definition is rarely presented. According to the World Bank, civil society means the union of various organizations, namely; NGOs, community groups, trade unions, local groups, charities, religious organisations, professional associations and foundations. Initially, the term became popular in the 80s of the previous century, when the citizens' union, the movement opposed authoritarian regimes, especially in European states. It was this wave that gave rise to the creation of civil society. Accordingly, "Civil society is a self-generating, self-developing and autonomously independent organism from the state, which is subject to the legislative order and includes all spheres of public life."

With the collapse of the Soviet Union, the idea and involvement of civil society became more and more relevant for European states. It turned out to be especially important for the states of Western Europe, which are on the liberal-democratic path. For them, civil society is associated with the development of the state, because citizen satisfaction is directly related to the high quality offered by the state, be it a healthy environment or democratic values.

The following type of association or activity is generally considered in civil society;

- Civil society is a form of relationship that does not fit into the family sphere and is uniquely conceived as a public space, which misses close, friendly or kinship ties;

- Civil society refers to social activities that do not belong to the business sphere. Accordingly, the orientation of civil society is not profit, but the development of a specific field in different ways;

- Any civil society activity and social relations remain beyond the competence of the state ;

- In many cases, it is surprising and amazing, although political parties belong to civil society, although there are different approaches in this regard, some believe that it is not subject to civil society, and some on the contrary, because the task of any political party, from a practical point of view, should be the development of the state after coming to power and existence of relations with citizens;

- Another direction of civil society is mass media. We often hear the term that the fourth government is the media. Media is of great importance in society, because it is the only main source of information dissemination. It is used to articulate and promote public interests. The media also has great power in terms of being a connecting bridge between the citizen and the state;

- The direction of civil society is also represented by trade unions, whose main purpose is to request or express their opinions on the basis of the association of members of specific professions on what is needed to develop their direction and what is the need for help from the state, etc.[2]

2. Civil society in Eastern Europe

The end of the Cold War was a signal for the European Union to take more steps to promote democracy, while the USA had already taken a number of steps in this direction. The approaches and policies developed by him differed between Eastern Europe and the West depending on the specifics of the state. The United States, in general, has put a different emphasis on bottom-up political change processes, while for the European Union it is more important to build stable and democratic country institutions and further develop them. Consequently, the US tends to place more emphasis on political

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[2] Borrows, G., Abashidze, Z., Mukhiguli, K., Dundua, S., Karaya, Tamar. Democracy and citizenship. 2020. pp. 167-169.

rights and strengthening civil society, while for the EU it is important to identify problems and work on ways to solve them.

The EU's most influential lever for promoting democracy in the region has been its enlargement strategies. The organization did its best to help states to accelerate the use of resources within the state and to take a number of steps to ensure the political agenda. Accordingly, already at the beginning of the 21st century, it covered the states of Eastern Europe and left a number of hopes for the states that are still waiting to join this organization, including Georgia.

The EU has also changed its common strategies in favor of greater adaptation to local preferences and demands, moving away from "one size fits all" approaches. This is reflected in the civil society support manual, which has brought procedural changes to address some of the complex application processes, and in the latest Eastern Partnership priorities. Strengthening civil society is not only an end in itself for the EU, but also a means through which all political and economic reforms must be implemented.[3]

2.1. Civil society in the Baltic states

The collapse of the Soviet Union presented a different picture for the Baltic countries. The first was due to their ability to escape from an undemocratic regime, and the second was the actions and activities of people who voluntarily engaged in civic initiatives. The first formation appears from the 1980s, when the Soviet Union was already weakened, although, of course, fundamental changes took place already after its collapse. In particular, these three states wanted to raise democracy and freedom of association to a higher level based on the creation of non-governmental organizations. There is no doubt that these goals allowed them to emerge and develop further. The basis for this is the establishment of a number of non-governmental organizations in all three states since 1989.

In Estonia, from 1988-1991, many independent non-governmental organizations were founded, the goal of which was to spread the idea of freedom. Despite the influence of the Soviet Union, Estonia produced a number of miracles in terms of the development of CSOs, as by 1997 more than 18,915 NGOs were officially registered. Additionally, the Integration Fund is popular in Estonia. The Integration Fund is a fund established by the Government of the Republic of Estonia. The Foundation initiates and supports projects aimed at the integration of Estonian society and coordinates funding in this area, including several projects funded by foreign states. The successful course of the integration process in Estonia depends on effective cooperation between all levels of Estonian society, such as state bodies, local governments, schools, universities, private companies and individuals.[4]

- According to the year 2022, more than 30,000 non-governmental organizations are registered in Estonia.[5]

As for Latvia, along with the collapse of the Soviet Union, non-governmental sectors began to form in this country, at the beginning about 1,200 non-governmental organizations were functioning, however, unlike Estonia, they became less popular here and, instead of increasing, the capacity of CSOs decreased. In 1988-1991, its operation decreased by 42%. Main purpose of non-governmental organizations for that period was care and assistance of citizens, protection of social interests and monitoring of the government.

- According to the year 2022 More than 27,000 non-governmental organizations are registered in Latvia.[6]

In the early 1990s, Lithuania had the least functioning NGO sector of the three states, with 900 NGOs registered according to Ministry of Justice data from 1991-1996, but some citizens said the number

[3] Bouchet, N., Balfour, R., Supporting Civil Society in Eastern Europe and the Western Balkans: Old and New Challenges.
[4] Civil society and integration.
[5] Nonprofit Organizations in Estonia — Is an NPO Really so Beneficial?
[6] List of Nonprofits and Charities in Latvia.

was much higher. Most Lithuanian non-governmental organizations were active in religious, charitable and human rights fields. However, legislation that provided tax incentives became difficult to achieve, and growing corruption made it difficult to achieve the ultimate goal of foreign support, and this had a negative impact on the growth of the capacity of the non-governmental sector at the time. [7]

As of today, in the Eastern and Central Europe and Eurasia region report, Lithuania remains the most sustainable among the countries with non-governmental sector and leads in the advocacy dimension. The sustainability of CSOs of the country remained stable in 2021. There has been little positive change in the service sector: municipalities have shown more interest in transferring services to NGOs, and NGOs have expanded the range of services they offer. The Lithuanian NGDO platform works to strengthen intercultural, civil and democratic societies, expand the capacity of Lithuanian non - governmental organizations to participate in international development cooperation activities and help develop their skills.

- According to the year 2022 Up to 20,000 non-governmental organizations are registered in Lithuania.

2.2. Civil society in Georgia

For Georgia, like the states that strive for democracy, the functioning of civil society is one of the important springboards. Georgia fought many wars in the past and is still trying to survive the occupation. Foreign security is important for any state, the prerequisite of which is necessarily the strength of the domestic policy. As we have already mentioned above, it is important for the EU to have political stability in its member states as much as possible, and it does this by sharing their practices. Accordingly, Georgia has the opportunity and resources to use the examples of the states that have already passed for its benefit.

When talking about civil society, we cannot ignore our history, which was formed for a long time, changed and continues to this day. The existence of civil society is definitely not alien to Georgia, although, of course, the mentioned sector worked differently in the old days.

The first one that should be mentioned was the " Literacy spreading society among Georgians ", which was formed in 1879. This was the first creation of the civil society, when an organization was created with the spirit of the union of citizens, the purpose of which was the study of the Georgian language. Despite the fact that Russia had a great influence on Georgia at that time, the selfless work and spirit of the citizens did not back down and left us a very important historical exemplary mark.

Later, from 1890, with the initiative of Ekaterine Gabashvili and other feminist women, the first women's school was opened in the house of Ekaterine Gabashvili, where women had the opportunity to get an education. At the beginning of the 20th century, Kato Mikeladze founded "Voice of a Georgian Woman", where many problems of Georgian women were discussed based on the background of that time.[8] It should be noted that the efforts of civil society in the field of gender equality were recorded earlier in Georgia than in European states. On the one hand, this is a message that women in Georgia started talking about their problems earlier than after the century it was written as one of the important values of democracy to be a gender-protected equal and equal environment.

Effective steps were being taken until 1921, before Georgia was Sovietized. Prior to that period, trade unions, sports clubs, writers' and artists' associations, etc., were created. Therefore, we can safely say that despite the difficult period, the population of Georgia had hope and spirit for the development of their homeland.

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[7] Mačiukaitė-Žvinienė, S., Challenges for Civil Society: Participation in the Baltic States Region Building.
[8] Georgian woman's voice, 1918 | October 31.

Another important step in the existence of civil society in Georgia in the last century was recorded on April 14, 1978.[9] In particular, the great protest of the students produced the final result when the Soviet Union's constitution was amended to remove the Georgian language, which fortunately did not happen. The heroes of this historical moment turned out to be Georgian students, through whom no change was made and the Georgian language remained the main language of the state.

Modern civil society appeared in Georgia in 1991-1995. During the mentioned period, political groups and social movements were formed, the majority of which were students and the youth sector. Like the Baltic countries, Georgia had strong anti-communist values, especially the thirst for an independent state. Unlike the Eastern European states, Georgia faced a more difficult task. It is that, depending on the geographical area, less investment was made in Georgia. Since 1994, foreign aid has slowly started in the country. International funds started opening branches in Georgia, the main idea of which is financial and technical support. In addition, it should be noted that, like in Eastern Europe, members of the civil society of that time began to come to power in Georgia. After the Rose Revolution, there was less investment in CSOs, both from the government and foreign partners, as the total investment went to government resources. Especially in that period, the young population was actively involved in anti-occupation movements, which was one of the important manifestations of civil society.

In Georgia, like other Eastern European countries, civil society is associated with non-governmental organizations. Of course, the first step in the formation of civil society and its development was the creation and operation of CSOs. A number of non-governmental organizations are officially registered in Georgia, whose directions, in particular, the goal, are different. For some, it is necessary to protect human rights and inform the population, for others, it is necessary to promote the correct spread of feminist ideas, to develop the educational field and to support students through various supporting projects, and to ensure travel to study abroad, etc.

A few years ago, non-governmental organizations were particularly relevant and highly trusted by people, but nowadays, unfortunately, the background has changed. Despite the fact that non-governmental organizations have made a great contribution to the development of Georgia in many directions, advocacy, raising knowledge, etc., there is still a negative attitude among the population, which is revealed by numerous surveys.

Media is one of the significant directions of civil society. Like other states, media outlets are actively watched in Georgia. In our case too, the media has a great influence on the formulation of public opinion. According to the Democracy Index, which is published annually by the Economic Forum, there is still some question in relation to the media in Georgia as to how independent and strict it is. Accordingly, the level of democracy, not only determining how equal and free the environment is, but also political functioning and one of the springboards is the impartiality of the media.

Conclusion

Civil society is the driving force for ensuring democratic functioning within the state. Civil society is the chain between the citizen and the state to ensure. Its role is especially important for developing states, because they are the ones who take a number of steps to build the country's democratic institutions and create a politically stable environment. Almost most of the states of Eastern Europe have one historical past, which is connected with the Soviet Union, therefore the states of the mentioned region need not only economic or political development, but also mental changes.

The European Union is a supporting force for European states. As we have already mentioned, this may be an economic organization, but it plays a much greater role in the development of the states to have a healthy political environment. In addition, it should be noted that the European Union helps states to make the most of their domestic potential. That is why joining this organization is one of the important vectors for Georgia.

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[9] Tbilisi events of April 14, 1978 and excerpts from the Western press.

The European Union has proposed a number of projects on civil society to the member and future member states. This is represented by the holding of various forums, where Georgia directly participates. On the other hand, the practices that sound in the said forums should be an example of how the state can develop more quickly and efficiently.

Civil society has a great role in the development of the country. With the involvement of citizens, things are done more productively and efficiently than if only effective steps are dictated by the central government. Nowadays, many clubs have been created at the university level as well, which help students to find various important information from an informative point of view. In addition, the role of non-governmental organizations is also important, because in many cases it is the organization that helps to identify the problem within the country and to take effective steps in the future.

Developing countries, including Georgia, have realized how important the satisfaction of citizens is. It is impossible to lean towards democracy without creating a citizen-oriented environment. In practice, all states have different approaches, but Eastern Europe has a common political past. Accordingly, the mentioned states have a very close environment, and in the case of Georgia, it is possible to implement good practices in its own state.

In order to increase the civil society, specifically in Georgia, it is necessary to take the following steps;

- Providing correct information about civil society to the population;

- At the local level, more projects should be introduced by the government, where the population will be involved as much as possible;

- The role of non-governmental organizations should be increased and their activities should be challenging to change the negative attitude of the population to a positive one.

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THE PRINCIPLE OF LEGAL RELIANCE VERSUS THE PRINCIPLE OF LEGALITY

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Abstract

Two important institutes of administrative law will be discussed in this paper, namely, the principle of legal reliance and the principle of legality, their origin, their place in the General Administrative Code of Georgia, their relation to the constitutional principles and to other principles of public law. The issue of conflict between these two principles takes significant part in the paper. The aim of the paper is to analyse the grounds for the principles of legal reliance and legality, the established caselaw related to them and to reveal significant challenges often faced by an administrative body, in the case of conflict between the mentioned principles. Herewith, the paper will present those problematic issues, which are related to the coexistence of the mentioned institutes, also, the ways for their solution and recommendations.

Keywords: the principle of legal reliance, the principle of legality, protection of reliance of interested party, revocation of act, collision of principles, proportionate and fair decision, conflict of public and private interests.

Introduction

On June 25, 1999, adoption of General Administrative Code was a historical legal reform. In 2000 after the entry into force of the mentioned Code, the standards of relation between the state and a citizen changed drastically. Before the commencement of the Code, there was no experience of application of administrative law and justice in the Law of Georgia.[1]

The administrative law traditions of the USA, Federal Republic of Germany, France and Holland had great influence on the drafting of the General Administrative Code.[2] The mentioned code established the principles of administrative law in the Law of Georgia, among them, the principle of legal reliance, application of which was not common as a Georgian tradition and it was established considering the already existing traditions in foreign countries.[3]

1. Principle of Legal Reliance. Historical Review

The talk about the principle of legal reliance became actual from XIX century. The mentioned principle was stated in the decision of 1892 of the supreme administrative court of Prussia. In the decision the court noted that it would cause legal instability if it would be possible to revoke the legal condition established by issuing a construction permit at any time, even after years and the entrepreneur, who has built a house on the basis of reliance on the permit, would have to leave that territory after one year from the issuance of the permit, or payment of large amount of money would be imposed against it in exchange for the new regulation of the legal relation.[4]

In German administrative law, the principle of legal reliance was one of the important principles[5], later this approach appeared in England.[6] The administrative law of England provided only a procedural

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[1] Turava P., The Principle of Legal Reliance (Comparative Legal Analysis), Georgian Legislation Review, volume 10, N2-3, 2007, 212.
[2] Ibid.
[3] Ibid, p. 214.
[4] Ibid, p. 216.
[5] Zeyl, Trevor J., Charting the Wrong Course: The Doctrine of Legitimate Expectations in Investment Treaty Law, Alberta Law Review, Forthcoming, 03/03/2011, 19.

defence of legal reliance, therefore, when legal reliance existed, a person was entitled with only additional procedural rights, namely, for example, oral hearing. Though, at present, legal reliance is a guarantee for an individual implying the protection of rights by means of enforcement of personal expectations.[7] Both – in German and in Community Law legal reliance provides the basis for substantial defence.

1.1. The Principle of Legal Reliance According to the General Administrative Code of Georgia

The principle of legal reliance, like other institutes of administrative law, is subject to legislative regulation, namely, by General Administrative Code of Georgia.

According to the Cassation Court of Georgia, full establishment of the institute of legal reliance is the prerequisite for legality, stability of authority and for establishment of its authority over society.[8]

General Administrative Code does not provide direct definition for the term ''Principle of Legal Reliance'', it presents the mentioned principle in terms of the issues of administrative promise and revocation of enabling administrative act.[9]

Prior to reviewing the principle of legal reliance, it is relevant to study the mechanism for revocation of enabling administrative act pursuant to the General Administrative Code. According to the applicable General Administrative Code, the revocation of a legal act implies the termination of the force of the act. The Code provides three cases of revocation of an act: revocation of act by an administrative body based on administrative complaint, revocation of act at court, due to filing an administrative claim and revocation upon the initiative of administrative body.[10] In this case, our interest concerns the case of revocation of enabling administrative act upon the initiative of administrative body, as we can view the right to legal reliance in terms of the revocation of act upon the initiative of administrative body, in the previous two cases, a person does not have the legal grounds for applying legal reliance, as the terms for appealing the act have not been expired.

Pursuant to the current General Administrative Code an unlawful administrative act may be regarded void and a lawful administrative act may be declared invalid.[11]

According to the Supreme Court of Georgia, the right to legal reliance has particular importance in legal relations, as administrative relations are of subordinate nature. The right to legal reliance protects a person from legal mistake of administrative body and from the non-performance of the action to be implemented in future. Full establishment of the mentioned institute is important, because it is a certain type of prerequisite for legality, stability of governance and its authority over the society.[12]

Pursuant to the Article 41 of the European Charter of Fundamental Rights, the right to good governance is a fundamental right. Upon the concretization[13] of this Article, it was figured out that the prerequisite for good governance is trust between a state and society and the procedures adapted to the welfare of citizens.[14]

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[6] Nolte, G. General Principles of German and European Administrative Law: A Comparison in Historical Perspective. The Modern Law Review, 57(2), 1994, 191–212. http://www.jstor.org/stable/1096807.

[7] Barak-Erez, D., „The Doctrine of Legitimate Expectations and the Distinction between the Reliance and Expectation Interests." European Public Law, 2005, p. 584.

[8] Decision Nბს-535-506(კ-09 of October 6, 2009 of the Supreme Court of Georgia.

[9] Articles 9, 60[1] of the General Administrative Code of Georgia, Parliamentary Gazette, 4, 15, 25/06/1999.

[10] Turava P., Handbook of General Administrative Law, publishing house World of Lawyers, Tbilisi, 2018, p. 201.

[11] Articles 60[1], 61 of the General Administrative Code of Georgia, Parliamentary Gazette, 15-16, 25/06/1999.

[12] Decision Nბს-168-162(კს-09) of April 28, 2009 of the Supreme Court of Georgia, April 28, 2009, Tbilisi; see also, decisions: Nბს-1433-1391(კ-08), March 17, 2009; Nბს-1725-1679(კ-08), June 30, 2009; Nბს-535-506(კ-09), October 6, 2009; Nბს-ბს-174-168(2კ-10), July 20, 2010 of the Supreme Court of Georgia.

[13] "The European Code of Good Administrative Behaviour" the code was prepared by the Public Defender of Europe and in 6.9.2001 it was adopted by the European Parliament (Brochure Luxemburg 2001).

[14] Gegenava D., Sommerman K., Kobakhidze I., Rogava Z., Svanishvili S., Turava P., Kalichava K., Khubua G., Handbook of the Legal Bases of Public Administration, Tbilisi 2016, pp. 38-39.

Based on the analysis of the formulation of respective articles of General Administrative Code of Georgia, we may conclude that merely the reliance of an interested party on the act issued by an administrative body is not enough for existence of legal reliance. The belief of an interested party that this act is lawful is an important prerequisite for the existence of legal reliance. Therefore, great attention is paid to the goof faith of the interested party, the legal reliance of the party must not be based on the illegal action of the interested party, for example, this might be the deception of administrative body, submission of false documents etc. as, in this case, his/her belief in the legality of act is excluded.

According to the General Administrative Code of Georgia, the action of legal force, made on the basis of an act is also an important element of legal reliance. For example, when an enabling individual administrative act was addressed to a person, namely, the person obtained a construction permit and with the belief that this permit was issued by the administrative body pursuant to law, the person took out a loan, purchased construction materials and paid the service cost to the builder. In this case, we may regard these cases, as the action of legal force, which was made in terms of the construction permit, as an individual administrative act.

It is also interesting to mention the case, when the basis for issuance of an act is not the unlawful action of interested party, but a mistake or an unlawful action of the administrative body itself, which is known by the interested party, who remains silent. Can a party have legal reliance on such act? Of course, in the case of purposeful silence, the belief of the interested party towards such act is excluded. Therefore, we must consider that an unlawful action of an administrative body is one of the circumstances excluding legal reliance.

1.2. Administrative Promise

Administrative promise might be the grounds for the legal right and interest of the claimant. According to the General Administrative Code of Georgia, an administrative promise is a written document, which confirms that the given action will be made, which might become the basis for the legal reliance of an interested party.[15]

Upon the administrative promise, its content must indicate that the administrative body undertakes to perform certain act, though, the performance of act implies both – performance of an action and refraining from an action. For example, an administrative promise might imply refraining from exercising any of the powers granted to it under law.[16]

One of the important elements of legality of promise is that it must be made by an authorized administrative body. The promise related to the issuance of administrative act must be issued only after the interested party submits his/her opinions and after the written consent of the administrative body, which is necessary for issuing the promised act according to law.

According to the Article 9 of the General Administrative Code of Georgia, legal reliance shall be excluded, if it is based on an unlawful action of the interested party. Herewith, an administrative promise may not be based on an unlawful promise of the administrative body. It is a necessary condition for satisfying the claim of the interested party that the claim must be lawful. The fact whether the promiser or the interested party knew about the illegality of the promise has decisive importance.[17]

Non-observance of written form, changing of the respective normative grounds, which excludes satisfaction of the claim and non-submission of an opinion by other interested party are also the circumstances excluding legal reliance on the promise.[18]

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[15] Articles 9, 60^1 of the General Administrative Code of Georgia, Parliamentary Gazette, 4, 15, 25/06/1999.

[16] Decision Nბს-708-693(პპ-12) of July 4, 2013 of the Supreme Court of Georgia.

[17] Decision Nბს-942-903(ჯ-07) of September 10, 2008 of the Chamber for Administrative Cases and Cases of Other Categories, see also Turava P., Handbook of General Administrative Law, publishing house World of Lawyers Tbilisi, 2018, p. 181.

[18] Turava P., Handbook of General Administrative Law, publishing house World of Lawyers Tbilisi, 2018, p. 182.

1.3. Processual and Material Legal Reliance

Legal doctrine provides for processual and material reliance. At first, legal reliance was recognized in terms of processual rights. If a decision was made by a relevant authorized body of the state without hearing the interested party and taking his/her opinion into account, the interested party had legal reliance towards the processual right granted to him/her under law. Namely, he/she had a belief that he/she would enjoy the procedures determined by law and his/her opinion would be taken into account in the process of decision-making.[19]

To be more precise, material legal reliance may exist in two cases. First, when the interested party already receives benefit and/or has certain advantage pursuant to law. Therefore, he/she has belief that this condition must be continued. In this case, administrative body rendering the decision will be limited by legal reliance, to apply its discretional powers and revoke the act, which grants the interested person any advantage or benefit. In the other case, the interested person does not have any benefit or advantage yet, though, he/she has legitimate expectation that he/she will gain the mentioned advantage and benefit. In the other case legal reliance has compulsive effect on the decision-making administrative body to grant the promised benefit or advantage to a person as promised.[20]

If we take a closer look at it, we can draw parallel from the above-mentioned reasoning and find out such distinction in Georgian legislation as well. In the first case we have the inadmissibility of revocation of enabling individual administrative act upon the existence of legal reliance and in the second case we may consider the legal reliance deriving from the administrative promise.

In Georgian legislation and scientific literature processual and material legal reliance are not separated. Georgian legislation provides mostly material legal reliance. Nevertheless, the practice of the Supreme Court of Georgia regarding this issue is still interesting in one of the decisions, where legal reliance is discussed in terms of procedural right. In the mentioned case, the claimant missed the period for appeal determined by law due to the fact that the administrative body had explained the terms of appeal incorrectly. The cassation court explained that it is inadmissible to make substantial mistake in the operative part of the disputed individual administrative act, where the right to appeal is explained to the addressee of the act. Considering the fact that in the given case the legal error made by the administrative body caused incorrect understanding of the right to appeal by the interested party, he/she is protected by the institute of legal reliance. Therefore, he/she is authorized to appeal the administrative act according to the procedure and within the term explained by the administrative body. Thus, according to the cassation court, legal error made by an administrative body must not become a material and legal basis hindering the admissibility of a claim or appeal for an interested person.[21]

As we see, in the practice of the Supreme Court of Georgia there exists a decision, where we can talk in terms of the processual legal reliance, though this example mostly concerns the legal reliance related to procedural rights, which, in fact, is material and not procedural. According to the abovementioned interpretation, processual legal reliance implies making a decision specifically without granting to the interested person the right to be heard and to present his/her opinions, also the legal reliance originated therefrom and the expectation in terms of procedural rights, namely, in terms of the right to be heard and to present one's opinions.

As we have already mentioned, Georgian legislation provides for both cases of material legal reliance – inadmissibility of revocation of enabling individual administrative act and the legal reliance originated from the administrative promise.

2. Legal Reliance as a Principle of Constitutional Law

Constitutional law determines general principles, which are important for any field of law and have guiding role. Administrative law is a kind of concretization of constitutional law. We should analyse

[19] Zeyl, Trevor J., Charting the Wrong Course: The Doctrine of Legitimate Expectations in Investment Treaty Law, Alberta Law Review, Forthcoming, 03/03/2011, p. 472-473.
[20] Uriadmkopeli K., ''The Principle of Legal Reliance in Administrative Law, doctoral thesis, 2015, p. 12.
[21] Decision Nბს-168-162(კს-09) of April 28, 2009 of the Supreme Court of Georgia, April 28, 2009, Tbilisi.

and perceive constitutional principles in a complex manner, in relation to the norms existing in administrative law, which are adopted by the influence of interpretation of the principles and provisions established by constitution.[22]

Reviewing the principle of legal reliance in the rank of a constitutional principle is not disputable any more. Dissenting opinion exists in terms of the question – which constitutional norm is related to the origin of the principle of legal reliance. Large part of scientists sees the roots of this principle in the principle of legal state and the principle of social state.[23]

2.1. Legal Reliance and the Principle of Legal State

There exists an opinion that the principle of legal reliance is derived from the principle of legal state, which protects a citizen from abuse of trust in an administrative body.[24]

According to the decision of the Federal Court of Germany, legal stability is an essential element of a legal state and first of all, legal stability implies the observance of reliance for a citizen. Pursuant to the principle of legal state, the activities of the state must be predictable, which is also a component part of stability and for society this means creation of reliance guarantees by the state.[25]

The principle of legal state requires that an administrative act issued by an administrative body, in its essence, must enable a citizen to perform an action based on the act and manage to foresee the outcomes of that act.[26] And without belief in the legality of act, it is impossible to foresee the outcomes and perform an action based on the act, in its turn, the belief in the legality of act is one of the most important prerequisites for legal reliance.

Based on the analysis of German legal literature, we may conclude that the principle of legal state creates constitutional basis for observing legal reliance. Contrary opinion, which regards the derivation of legal grounds for the revocation of act and its upholding from a single norm unlawful, is not well reasoned. As the principle of legal state is not a blanket rule, it is multipolar. Based on its multiple poles it is possible to view the principle of legal state as both - the basis for revocation of an act and the basis for limitation of possibility to revoke the act. Considering all the above-mentioned, the principle of legal state may be regarded as the grounds for both – material justice and the principle of protection of reliance.[27]

2.2. Legal Reliance and the Principle of Social State

In its Preamble, the Constitution of Georgia provides the principle of social state as a state goal.

Some authors substantiate the connection between the principle of observance of legal reliance and the principles guaranteed by the constitution with the reasoning that the principle of legal reliance is related to the principle of social state. The mentioned group of authors considers that the principle of observance of reliance must balance the relation between a citizen and a state, as citizens depend on the state and its lawful conduct. According to the principle of social state, an administrative body is obliged to ensure social justice and provide support for the financially needy groups in tackling the problems. Socially vulnerable groups must be protected so that the state does not return the benefit received by a member of society.[28] Contrary to the mentioned position, there exists an opinion that requiring observance of reliance on the basis of the principle of social state covers only the socially

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[22]Tskhadadze K., Relevance of Constitutional Legal Principles for Administrative Law, Popular Science Journal Administrative Law, N2, Tbilisi, 2016, pp. 5-6.

[23] See footnote 1, Turava, p. 221.

[24] Gegenava D., Sommerman K., Kobakhidze I., Rogava Z., Svanishvili S., Turava P., Kalichava K., Khubua G., Handbook of the Legal Bases of Public Administration, Tbilisi 2016, p. 111.

[25] See footnote 1, Turava, p. 222.

[26]Tskhadadze K., Relevance of Constitutional Legal Principles for Administrative Law, Popular Science Journal Administrative Law, N2, Tbilisi, 2016, p. 6.

[27] See footnote 1, Turava, p. 235.

[28] See footnote 1, Turava, p. 226.

vulnerable groups and the principle of social state is oriented to auxiliary intervention by the state.[29] Nevertheless, helping economically vulnerable group is not the only goal of a social state. The goal of a social a state is also to protect the estate, finances, health and property of an individual.[30] Therefore, we must consider as important elements of the principle of social state not only providing support for financially needy groups of the state, but also social equality, social security and social justice. Therefore, this argument cannot be considered as the argument contradicting the opinions of those authors, who relate the principle of legal reliance with the principle of social state guaranteed by the constitution.

Based on the principle of socials state, considering its multipolar nature, it is possible to observe both – public interests and individual interests.[31]

2.3. Legal Reliance and Good Faith

The principle of good faith, which is well-known in Civil Law, is often regarded as a legal basis for observance of reliance. This principle is named as the basis for observing the legal reliance particularly by the Federal Fiscal Court of Germany. Herewith, in the decisions of Federal Administrative Court we read that the principle of observance of reliance is based on good faith. Nevertheless, the practice is not uniform here as well, there are decisions of the same court, where we read that the principle of observance of reliance comes from the principles of legal stability and legal peace.[32]

One group of authors were critically disposed against applying the principle of observance of reliance based on the civil law principle of good faith. One of such authors is Schule, who considers that we cannot use the principle of good faith as a measure for the conduct of an administrative body. The principle of good faith implies the demand for mutual respect, therefore, at least the expression of will from two parties is a necessary precondition. And such relations are not frequent in Public Law. This type of relations are characteristic for Civil Law.[33]

Good faith and legal reliance are not strictly separated concepts in legal doctrine. They have more in common than differences. In the case of good faith both parties are required to observe this principle and in the case of legal reliance an interested party has expectation and belief in administrative body that its act corresponds with law.[34] Though, it should be noted that acting in good faith from the part of the interested party is a necessary prerequisite in order to have legal reliance of the interested party, Therefore, both – interested party and administrative body are obliged to observe the principle of good faith.[35] Thus, we can talk about a bona fide interested party and a bona fide administrative body.

The existence of the principle of good faith, as one of the most important principles in the activities of administrative bodies is indicated by the Law of Georgia On Public Service as well. The oath of a public servant underlines the importance and the role of the principle of good faith in the activities of a public servant.[36]

Therefore, we may conclude that General Administrative Law of Georgia does not mention the principle of good faith directly, though, this principle is referred to in its special part, various legislative acts and court decisions as well.

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[29] See footnote 1, Turava, p. 228.
[30] Gegenava D., Sommerman K., Kobakhidze I., Rogava Z., Svanishvili S., Turava P., Kalichava K., Khubua G., Handbook of the Legal Bases of Public Administration, Tbilisi 2016, p. 64.
[31] See footnote 1, Turava P., The Principle of Legal Reliance (Comparative Legal Analysis), Georgian Legislation Review, volume 10, N2-3, 2007, p. 235.
[32] See footnote 1, Turava, p. 224.
[33] Ibid.
[34] Uriadmkopeli K., The Principle of Legal Reliance in Administrative Law, doctoral thesis, 2015, p. 24.
[35] Turava P., Tskepladze Natia, Handbook of General Administrative Law, Tbilisi, 2013, pp. 34-35.
[36] Law of Georgia On Public Service, Article 44, Parliamentary Gazette 18, 27/10/2015.

3. The Essence and Purpose of the Principle of Legality

The principle of legal reliance has binding force for an administrative body. A state authority has certain limits of acting freely, but it is always bound by law. In terms of the principle of legality the issue of powers and competence is important. Any act conducted within the state authority must be based on the competence granted on the basis of law and must correspond with the law requirements.

In this case, we should perceive law in both – ''formal'' and ''material'' terms. Law in formal terms means a normative act adopted by the parliament through determined procedure. And in material terms, law implies all legal acts applicable in a state that are legally binding, abstract and general.[37]

Considering all the above-mentioned, the principle of legality is a guiding principle of administrative law, which ensures the legality of the activities of administrative body and their correspondence with law.

3.1. The Essence of the Principle of Legality for the Purposes of General Administrative Code

The principle of legality is a general principle, which combines the requirements towards an administrative body determined by law. The concept of this principle covers both – the principles determined by the General Administrative Code and the binding standards for exercising authority by administrative bodies. Enforcement of the principle of legality is a concomitant obligation of any action performed by an administrative body. Disregarding it equals to the illegality of the act performed by an administrative body.[38]

According to the Article 5(1) of the General Administrative Code of Georgia, any act performed by an administrative body must comply with the requirements of law. The principle of Rule of Law demonstrated in this part of the norm prohibits deviation from law for administrative bodies. Disregarding that results in the illegality of an act. According to the Article 5(2), restriction of human liberty must have normative grounds. This provision of the norm is derived from the principle of legal reservation.[39]

Article 5(3) determines the legal outcomes of violation of the principle of legal reservation. In the ultra vires case, the administrative measure carried out by it will not have legal force.

According to the principle of legal reservation, only the powers granted by law determine the activities of an administrative body, therefore, it must act within these powers. Non-existence of respective act, by itself, excludes the performance of an administrative measure.

3.2. The Principle of Legality as a Principle of Constitutional Law

The principle of legality is an expression and a kind of concretization of a legal state, as an important constitutional principle. The concept of legal state implies the principle of legitimate authority as well.

Based on the essence of the principle of legality, this principle is an important mechanism for controlling authorities. It establishes the limits of interference by administrative bodies in terms of private interests. The main goal of this principle is to prevent an unlawful act of an administrative body, which is a necessary condition for achieving legal stability.[40] And legal stability is one of the important prerequisites for a legal state.

The second element of the principle of legality, the principle of legal reservation also has connection with the principles stipulated in the constitution, namely, the principles of democracy, legal state and recognition of fundamental rights.[41]

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[37] Khubua G. Theory of Law, Tbilisi, 2004, p. 140.
[38] Kharshiladze I., Administrative Law of Foreign Countries, Tbilisi, p. 447.
[39] Turava P., Handbook of General Administrative Law, publishing house World of Lawyers Tbilisi, 2018, p. 104.
[40]Tskhadadze K., Relevance of Constitutional Legal Principles for Administrative Law, Popular Science Journal Administrative Law, N2, Tbilisi, 2016, p. 10.
[41]Turava P., Handbook of General Administrative Law, publishing house World of Lawyers Tbilisi, 2018, p. 105.

One of the requirements of the principle of democracy is that important decisions related to ruling of the state must be rendered by a legitimate representative body elected directly by people. In this case, the principle of legal reservation also performs the function of allocation of competences between executive and legislative bodies.[42]

Pursuant to the above reasoning, we may conclude that the principle of legality is derived from the constitutional principle of legal state and represents its concretization in administrative law.

4. Interrelation between the principle of legal reliance and the principle of legality

4.1. Revocation of Administrative Act

After entering into legal force, i.e. after the respective term established by law for filing a complaint or a claim expires, an individual administrative act gains binding force, both – for the addressee of the administrative act and for the issuing administrative body. As we have mentioned above, due to the peculiarities of the authority, law gives administrative bodies the opportunity to revoke such acts upon their own initiative.[43] In particular, the principle of exercising effective authority provides administrative bodies with a power to bring administrative legal acts into compliance with real legal and factual changes and, therefore, regulate certain relations anew. Nevertheless, administrative bodies have the obligation to observe the principle of proportionality of private and public interests.[44]

Revocation of individual administrative act includes both – declaring the act as void and declaring the act as invalid. In both cases the act ceases to exist, but the difference between them lies within the legal nature of the revoked administrative act.[45]

According to the Article 60^1 of the General Administrative Code of Georgia, it is inadmissible to declare an enabling administrative act as void, if the interested party has legal reliance on this act. First of all, this implies protection of the interests of the interested party.

It is noteworthy that along with declaring an administrative act void, an administrative body determines the legal outcomes of its termination as well. Considering legal reliance of the person and public interests, it is possible to establish the termination of the administrative act from the day it became effective, from the day it was declared void or by indicating a certain date in the future.[46]

The power of an administrative body to revoke already rendered decision is derived from the principle of legality, which is a constitutionally recognized principle. Therefore, the principle of legality of authority, which requires that an illegal administrative act must be declared void, forms the grounds for declaring void an enabling individual administrative act, though contrary to the mentioned, we have the principle of legal reliance, as the interested party has legal reliance on the mentioned individual administrative act. As we have already noted, both principles are provided on the constitutional level and they are based on the principle of legal state.

As for declaring an administrative act invalid, the principle of legal reliance is more important in terms of this act, than in the case of declaring void of an illegal enabling administrative act. Upon declaring an administrative act invalid, there is no conflict between the principle of legality and the principle of legal reliance, as the act is lawful and these two principles stand side by side. Nevertheless, this conflict emerges again, when the individual administrative act was declared invalid due to the change in the factual or legal grounds existing upon its issuance. In such case, the individual administrative act is lawful upon its issuance, but the later change in its factual and legal grounds makes it unlawful.[47]

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[42] Adeishvili Z., Vardiashvili K., Izoria L., Kalandadze N., Kopaleishvili M., Skhirtladze N., Turava P., Kitoshvili D., Handbook of General Administrative Law, Tbilisi, 2005, p. 41.
[43] Articles 60 of the General Administrative Code of Georgia, Parliamentary Gazette, 15-16, 25/06/1999.
[44] Turava P., Handbook of General Administrative Law, publishing house World of Lawyers Tbilisi, 2018, p. 199-200.
[45] Articles 60^1-62 of the General Administrative Code of Georgia, Parliamentary Gazette, 15-16, 25/06/1999.
[46] Articles 60^1 of the General Administrative Code of Georgia, Parliamentary Gazette, 15-16, 25/06/1999.
[47] Turava P., Handbook of General Administrative Law, publishing house World of Lawyers Tbilisi, 2018, p. 204-207.

4.2. Conflict between the principle of legal reliance and the principle of legality upon the revocation of an administrative act

It is an interesting fact that in many cases, the principle of observance of reliance obliges an administrative body to perform an illegal action in favour of a citizen and to uphold an unlawful decision.[48] Again, this indicates the strength of the principle of legal reliance and the effectiveness of its defensive nature. The grounds for declaring an act void will be the principle of legitimacy of authority, which requires restoration of legality and revocation of the unlawful individual administrative act. In such case there will be a conflict, i.e. a collision, between the abovementioned two utterly important principles. On the one hand, we have a principle of legal reliance in terms of the void administrative act and, on other hand, it is contradicted by the principle of legality, as the mentioned act is unlawful. The observance of the principle of legality is one of the most important objectives of a legal state, though, the interested person is protected by the principle of legal reliance.

What kind of decision should an administrative body make in such case? Which principle should it prioritize? It is impossible to resolve the problem in a simple manner and to give direct answer to these questions. The aim and the major task for an administrative body, during administrative proceedings and also, for a court, during the court proceedings, is to render a proportionate and fair decision upon the collision of these two principles.

In one of the decisions the cassation court explains that the target of upholding the outcomes of an enabling administrative act is to ensure an utterly important principle of law – legal reliance, which, in its turn, causes the authority of administration and legal security.[49]

The reliance of a citizen on the act of an administrative body must be assessed as more important than the interest observed by the administrative body.[50]

In terms of the conflict between the principle of legal reliance and the principle of legality the recommendations of April 17, 2010 of the judges of the Supreme Court of Georgia are interesting, which cover, among others, the cases of conflict between these two very important principles. At the mentioned meeting the case of increasing the amount or granting a pension based on incorrect grounds was discussed. In such case the interested party has legal reliance towards this act, but the act itself, in terms of its legal nature, is unlawful. The opinion of the judges was that in the case of collision between these two principles, legal reliance is more important, namely, in this case, the person has legal reliance on the individual administrative act, based on which his pension was increased. If there are no grounds excluding legal reliance, the administrative body may not require from the interested party to return the difference due to the unlawfulness of this act, which was caused by the culpable act of the administrative body. The judges agreed that in this particular case, the person is not required to return the difference, because he had legal reliance on the act, though he will not receive the increased amount of pension in the following months.[51]

Based on the recommendations of the judges of the Supreme Court, also on the General Administrative Code of Georgia, we may conclude that when there do not exist circumstances excluding legal reliance, the right to legal reliance is the guarantee for retaining an unlawful administrative act.

In one of the cases the cassation court explains that despite the unlawfulness of the act, for the purpose of observance of the stability of applied administrative measure and the legal reliance of a person, the legislator defends even unlawful enabling administrative act and renders its abolition inadmissible, if legal reliance of the person exists. The court considers that in these circumstances, if there do not exist circumstances excluding legal reliance, the interested person has performed the act of legal nature based on the administrative act and declaring the unlawful administrative act void will inflict damage to him, the conflict between the principle of legality and the principle of legal reliance must be assessed

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[48] Turava P., The Principle of Legal Reliance (Comparative Legal Analysis), Georgian Legislation Review, volume 10, N2-3, 2007, p. 226.

[49] Supreme Court of Georgia, Decision N-ბს-143-137(კ-10) of July 6, 2010.

[50] Turava P., Tskepladze Natia, Handbook of General Administrative Law, Tbilisi, 2013; p. 35.

[51] Recommendations on the Problematic Issues of the Caselaw of Administrative Law, April 17, 2010.
http://www.supremecourt.ge/files/upload-file/pdf/rekomendaciebi%20administraciuli.pdf [l.s.26.10.2023].

and by means of the principle of proportionality, it must be established, observance of which principle must be given priority in each specific case.

According to the decision of the Cassation court, upon resolving the collision between the principle of legality and the principle of legal reliance of the interested party on the individual administrative act, it is an important precondition to make a comparison of the damage inflicted to third persons and society due to declaring the enabling individual administrative act void.[52]

The cassation court explains that when an act of legal significance has been performed on the basis of enabling individual administrative act, or when the damage inflicted due to its revocation is substantially greater than this good, such individual administrative act may not be declared void, the exception is the case, when the individual administrative act violates state, social or other person's rights or interests substantially. In the case of declaring an individual administrative act void, the material damage inflicted due to the voidness of the act must be compensated to the interested person, whose legal reliance on this act deserves defence.[53]

As we see, the cassation court considers that upon the comparison of the principle of legal reliance and the principle of legality, each particular case must be assessed considering the principle of proportionality by administrative bodies and courts, also, the assessment of public and private interests must be based on this principle.

4.3. The Role of the Principle of Proportionality and of the Pro Rata Principle in the Decision-Making Process

Upon making a decision, the legislator does not grant full liberty to an administrative body, on the one hand, it is limited by the requirement established under law and, on the other hand, by considering the proportionality of public and private interests. When, on the one hand, public interest and on the other hand, private interest are in conflict, an administrative body must assess the interests of a certain party based on the specific case, each detail must be examined thoroughly, because neither of them must be limited without respective grounds. Therefore, the measure selected by the administrative body may not cause unsubstantiated restriction of legal rights and interests of a person.[54]

Legal doctrine knows four stages for examining the existing relation between the measure taken by an administrative body and the goal to be achieved, upon examining the principle of proportionality.

The first stage is the establishment of the goal. Within this stage, the goal to be achieved by an administrative body must be determined. The second stage is the establishment of relevance. In this stage, the relevance between the goal determined by law and the measure applied by the administrative body must be examined. The third stage is the establishment of necessity. In this stage it is examined whether the relevant measure selected by the administrative body is necessary for the achievement of the legitimate goal determined by law. The measure is necessary, when the administrative body does not have other means, which would inflict less damage to both – the society and the addressee upon the achievement of the goal. The fourth stage of examination of proportionality is the establishment of proportionality. The necessary measure will be considered to be proportional, when the limitation of the right due to the issuance of an individual administrative act is in proportionate relation with the goal of the limitation.[55]

In the case of the stage of proportionality it is an interesting fact that according to the third stage of examination of proportionality, upon selecting the measure, the goal of the administrative body must be to select such means for the achievement of the goal, which will bring the least damage to the society

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[52] Supreme Court of Georgia, Decision N-ბს-143-137(კ-10) of July 6, 2010.

[53] Ibid.

[54]Tskhadadze, K., Relevance of Constitutional Legal Principles for Administrative Law, Popular Science Journal Administrative Law, N2, Tbilisi, 2016, p. 10.

[55] See the information on the stages of examination of the principle of proportionality: Turava P., Tskepladze Natia, Handbook of General Administrative Law, Tbilisi, 2013; p. 27; Turava P., Handbook of General Administrative Law, publishing house World of Lawyers Tbilisi, 2018, pp. 116-117.

and to the addressee of the measure. Though, in some cases the use of ''minimum force'' might not be proportionate and sufficient for fair decision.[56]

Based on the principle of proportionality we may determine how successfully the administrative body deals with the task, how accurate it is while interfering in human rights and how much it can control all this. The principle of proportionality is the objective criterion for assessing the fairness of the limitation of constitutional right.[57]

In the case of revocation of the act, pursuant to the principle of proportionality, the administrative body must select the administrative measure by going through the abovementioned four stages, compare the public and private interests well and render the decision.

Conclusion

Based on the above reasoning, we may conclude that a fair decision made by an administrative body is an important element of a legal state. In its decision, Constitutional Court of Georgia notes that one of the most important preconditions for the stability of a modern state is correct allocation of priorities between public and private interests and rendering of a fair decision, and thus, creation of a reasonably balanced system between the authority and the members of society.[58]

Based on the views and reasoning provided in the paper, we may conclude that in the case of collision between the principle of legal reliance and the principle of legality, the main challenge for an administrative body is to render a maximally balanced and proportionate decision, as in such case, we have two contradictory principles, which represent the concretization of the principle of legal state.

Administrative body is obliged to substantiate in the decision on revocation of administrative act upon its initiative, why it has given advantage to one of the two contradictory principles. The administrative body must clearly present the arguments, which will confirm the advantage of revocation of administrative act contrary to the legal reliance, or vice versa and the necessity of upholding the illegal administrative act.

As it has already been mentioned, even in the case of giving advantage to the principle of legality, the principle of legal reliance still maintains its right-protecting function and it becomes the ground for requiring compensation for material damage inflicted due to declaring the administrative act void.

Upon conflict between these two principles, the main difficulty is that an administrative body does not have and cannot have certain answer – ''a blueprint'', how to resolve this collision and which principle should be prioritized. In each particular case, an administrative body must render fair decision based on specific factual circumstances, pursuant to the phases characteristic for the principle of proportionality, on the basis of comparing public and private interests.

Therefore, it can be said that legal reliance is one of the fundamental rights of an interested party in a democratic society. Full establishment of the principle of legal reliance is important as it is a kind of prerequisite for the legitimacy of authority, stability and its reputation among society. The measure selected by an administrative body must not cause unsubstantiated limitation of legal rights and interests of a person This can be the basis for reasonable and proportionate decision adapted to the context of the administrative body.

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[56] Lango, John W., „Proportionality and Aithority", the ethics of Armed Conflict: A Cosmopolitan just War Theory, Edinburgh University Press, 2014, გვ. 180.

[57] Gonashvili V., Eremadze K., Tevdorashvili G., Kakhiani G., Kverenchkhiladze G., Chighladze N., Introduction to Georgian Constitutional Law, 2016, p. 96.

[58] Citizens of Georgia – Davit Jimsheleishvili, Tariel Gvetadze and Neli Dalalishvili v. the Parliament of Georgia, Decision of the Constitutional Court of Georgia N1/2/384, July 2, 2007.

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41. Decision Nბს-942-903(ჭ-07) of September 10, 2008 of the Chamber for Administrative Cases and Cases of Other Categories of the Supreme Court of Georgia, Tbilisi;

42. Citizens of Georgia – Davit Jimsheleishvili, Tariel Gvetadze and Neli Dalalishvili v. the Parliament of Georgia, Decision of the Constitutional Court of Georgia N1/2/384, July 2, 2007.

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