



Federalist Technologies in The Context of Globalization

Mikhail Alexandrovich Gorbunov, Alexey Alexandrovich Fedorchenko, Milada Mikhailovna Istomina

Abstract: *The aim of the article is to improve technology in the context of globalization. Analysis of the approaches used in the theory and practice of comparative state studies has shown that it is most advisable to develop a technology that includes a comparison (analogy) method, as well as normative, and design methods. It is established that the emergence of federal states is associated only with the industrial era. At that, in the context of the industrial revolution, in the public consciousness, the federal states were predominantly of experimental nature. It is revealed that greater confidence in this form of government in both public and public figures arose only with the beginning of industrialization, which caused the demand for complex management decisions. It is mentioned that federalization processes develop wavelike. This aspect engendered the phenomenon of post-colonial federalism. It is noted that the new states had to overcome ethnic and religious contradictions and heritage. It is proved that the era of post-modernization, which started after structural and cyclical crises, creates new challenges, which can be solved by federalist technologies, among other tools. At the same time, the start for federalization is caused by the emerging interest in it on the part of various social groups, which must be supported ideologically at the level of professional and mass consciousness.*

Index Terms: *technology, comparative state studies, globalization, management, crisis, society, local government, development.*

I. INTRODUCTION

The subject of state studies can be defined as the emergence and development trends of the state and its institutions, the relationship of the state with other social phenomena in the structural connectivity of state-society-collective-man, organization, functions and methods of the state and its various bodies, the role of officials and civil servants, the relationship between state and local government.

Distinguishing the theory of state and the theory of law is

quite logical and reasonable. It does not question the existence of a core legal discipline - the theory of state and law. Moreover, such a separation of its two parts serves to the benefit of science, because it allows more even and at the same time more targeted study of two close systems - the system of the state, and the system of law. The state in society is, in fact, self-sufficient and independent, and only such a state is able to protect society against the natural processes of instability and self-destruction.

It is logical that along with the state studies there are comparative state studies, which are focused on the state in all its manifestations (genesis, evolution, and decline) and, according to the very definition of this scientific direction, on the comparison of the state institutions in different nations. However, the actual development of this discipline is faced with the difficulties in collecting and qualitative generalization of comparative material. For example, the statement of differences between the Eastern (or Asian) and ancient states is not enough. It is necessary to isolate certain units to compare within the mentioned classes of states.

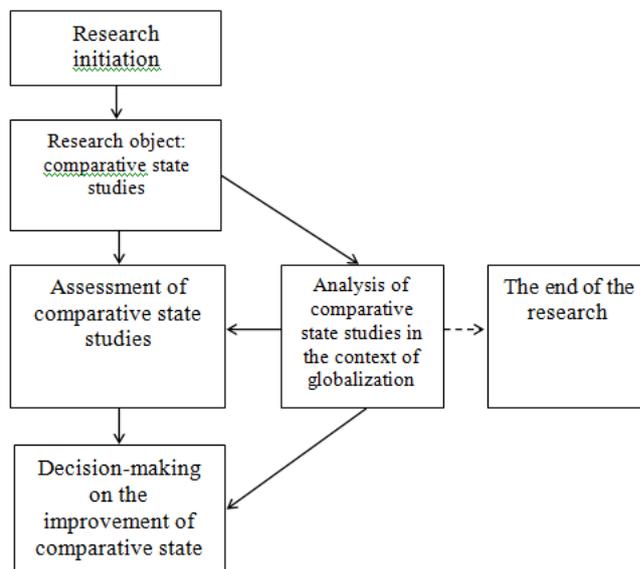


Fig. 1: Flow diagram of comparative state studies in the context of globalization.

II. LITERATURE REVIEW

The study of issues related to constitutional law was reflected in the works of Yu.P.

Boyko [1],

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* Correspondence Author

Mikhail Alexandrovich Gorbunov*, The All-Russian State University of Justice (RLA of the Ministry of Justice of Russia), Moscow, Russia.

Alexey Alexandrovich Fedorchenko, The All-Russian State University of Justice (RLA of the Ministry of Justice of Russia), Moscow, Russia.

Milada Mikhailovna Istomina, International Institute of Economics and Law, Moscow, Russia.

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Yu.O. Borozints [2], A.D. Gulyakov [3], V.V. Oksamytny [4], A.G. Rzaev [5], I.O. Tsibulevskaya [6], and others. Literature review on the research topic allows identifying contradictions, proving the necessity of improving the technology of comparative state studies in the context of globalization.

Scientists [7-9] go beyond traditional formational and civilizational approaches to the states typology and adhere to the new state systematization, which is called integrative classification. This classification is based on the priority of the natural and climatic factor, which directly affects the economy. At the same time, this classification recognizes that the development of the state is also determined by ethnic, demographic, cultural, administrative, and religious circumstances.

Within the state of each formational type, it is possible to distinguish several state models and several stages in their development. At the same time, the development stages should in no way be associated with the origin, prosperity, and demise of civilizations, since not always and not everywhere a specific model of state development is fully autonomous, not related to other models.

III. METHODS

A. General description

Analysis of the approaches used in the theory and practice of comparative state studies has shown that it is most advisable to develop a technology that includes a comparison (analogy) method, as well as normative, and design methods. The informational background of the article includes the statistical data of state bodies, legislative and normative documents regulating the technologies of comparative state studies in the context of globalization [10-12].

B. Algorithm

In the course of the study it is planned to use structural analysis in assessing the system of federalism as a process, to develop measures aimed at coordinating activities between the main subjects of comparative state studies, ensuring the formation of state stability, as well as justifying the concept on rational state studies in the context of globalization.

C. Flow diagram

The study is planned to be carried out according to the following flow diagram, in which comparative state studies are considered as a dynamic process that ensures the formation of the parameters of state development in the context of globalization (Fig. 1).

IV. RESULTS

Thus, based on the geostrategic position of large territories and their natural climatic conditions, it is possible to draw a conclusion about development features of the agrarian sector as the main branch of economy, and about the cumulative effect of all these factors on the structure of the state in each specific area. Approximately the same approach can be used in the construction of models of federalism. The issue of forms of state structure, in particular, federalism, is very important for comparative state studies.

The simplest questions arise immediately: why is the unitary form of the state more common; when and in connection with what federal states arise; what differences exist between different federations, and how important are they? There are different definitions of federalism. Among them, in addition to the rather traditional standpoint, is the statement that federalism is a form of the state structure. There are opinions that it is a principle of state structure, the concept of state structure, the way of realization of state powers, the way of organization of state power "vertically" and "horizontally".

At the same time, the start for federalization can be initiated by the emerging interest in it from various social groups, which must be supported ideologically at the level of professional and mass consciousness. In case of favorable circumstances, further step consists in the development of the constitutional document and a whole set of normative acts, which are called upon to ensure the functioning of the federal state. In the future, if the operation of this closed chain is disturbed by a failure in any of the links, the whole chain enters in the period of crisis, and may even cease to exist.

Thus, federalism can be seen as a territorial-administrative, spatial-power condition of the state, associated with a certain independence of its constituent units with undoubted subordination to the central power, based on public agreement, and provided with ideological, constitutional, and organizational means. In other words, this state has a dynamic nature. Its parameters can change over time, and the task of researchers is to carefully study this phenomenon both in terms of space and time.

It is advisable to begin this study with the establishment of a federal state. It should not be denied that there are no special conditions and prerequisites for its emergence, as well as established mechanisms of federalization. The practice has shown that the prerequisites of federalization are formed during a long time and precede the emergence of reasons. The reasons arise relatively suddenly as a response to the changing historical context, and always assume the presence of certain goals and motives of the founders of the federation.

For example, the prerequisites and reasons were intertwined when forming a federal state in the United States, though, for example, in Australia they were formed not only slower but without interaction between them. It so happened that the federal state did not become an urgent need for the Australians, as it was the case for the Americans. In fact, the federalization process begins with profederalism, when a set of preconditions for federalization is being formed, as well as with the establishment and testing of the individual institutions of federalism, which appeared prior to the constitutional framework of federal relations.

For federations, which were transformed from the confederations, the stage of profederalism can be determined quite easily. It is more difficult to do this for states or territories, which do not have prior clear-cut interstate or interterritorial relations. What is considered to be the stage of profederalism for Austria:

the dualistic Austro-Hungarian monarchy or the Habsburg Empire throughout its centuries-old history? How to determine the stage of profederalism in India: does it begin with the management reform of the British colonialists, or should it go further into the depths of centuries?

It is easier to describe the stage of constitutional consolidation of federal statehood. Here it is important to consider the procedure for the adoption of the constitutional document: to what extent it was multistage and democratic, which body was the initiator, and who said the final word in its legitimating. Against this background, the formation period of the federal state institutions is also quite uncertain. How long can they be formed? Should it be limited, for example, to the consideration of the results of the first elections and the establishment of administrative structures, or is it necessary to go beyond these time limits? What should be considered as the point of approval of the new regime?

Models of federalism in different countries can be compared in general, or one can do this in blocks, translating them into the form of tables. The second method is more convenient, especially if the comparison is multifaceted. In this case, it is important to select the correct units for analysis. There is no point in comparing what is identical, and there is little point in comparing what has nothing to do with each other. Thus, a comparison of legal systems involves at least some study of both similarities and differences.

It is believed that typological groups, and perhaps some unique typological units that are not part of any groups, should be distinguished first. Then a comparison should be made within typological groups, identifying features between their elements. It is logical to compare the most striking elements within the groups with each other, making

cross-border, and cross-group comparisons.

According to the authors, all the variety of models of federalism can be reduced to the following types: the model of the first settlement, Latin American, imperial, and republican-post-imperial, communal (popular), and post-colonial model. Russia embodies a unique Soviet-Russian model, which is not included in any group.

The models of the first settlement (USA, Canada, and Australia) have developed in the most favorable conditions, though all models are very different so that a detailed comparison among them is required. The same applies to the Latin American federations (Mexico, Argentina, Brazil, and Venezuela). Communal (popular) federalism in Switzerland has come the longest way on the European continent and is therefore of special interest. It is logical to compare it with neighboring federal states, namely, Germany and Austria, which represent a type of imperial and post-imperial-republican federalism.

At that, it is necessary to compare the German and Austrian models with each other. There are several postcolonial models, but the most successful among them is the Indian one. The Indian model should be compared with other centralized models of other types (for example, Austrian or Russian). The ultimate goal of the present study is Russia, which should be compared with the most striking elements of other typological groups (for example, the USA, Canada, Germany, and Brazil).

Investigations show that comparative state studies help not only to identify opposites, and differences of state systems, but also to form the general structures and statements, reveal functioning and development patterns, which take into account the characteristics of state systems.

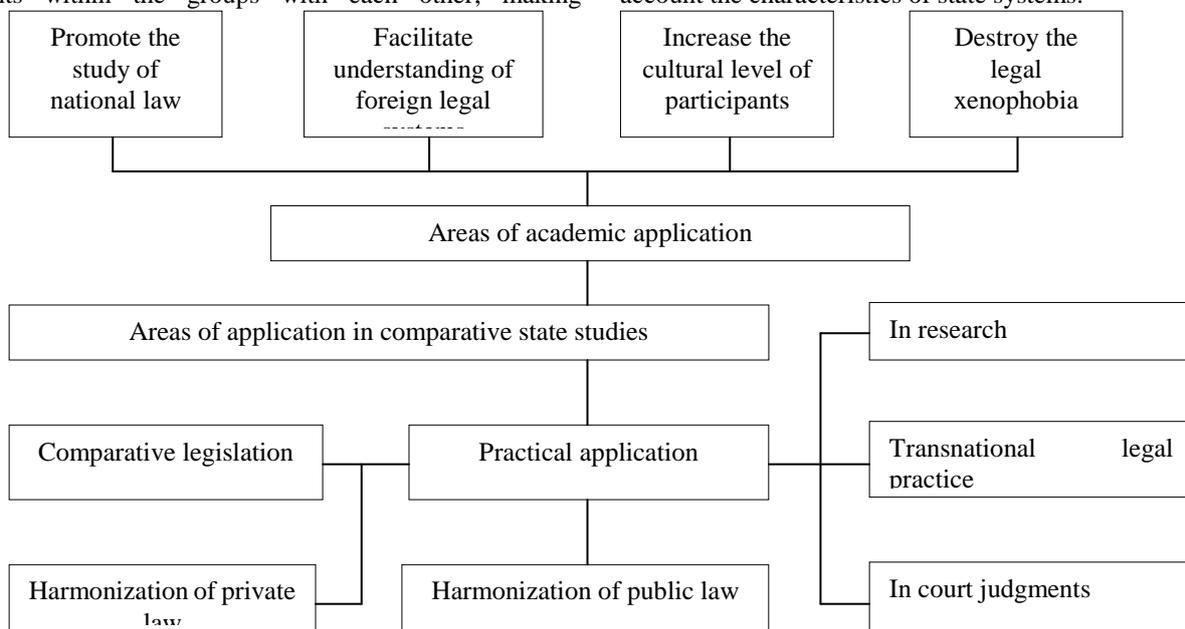


Fig. 2: Comparative state studies in the public system.

It can be rightly noted that comparative state studies are aimed at primarily studying the legal map of the world, revealing the relationships and mutual influences of the state systems of the contemporary world. They involve not only the comparison, but also the study of the features of the formation, development, and functioning of public systems. Comparative

state studies help to overcome the narrow national approach in the study of the state and make it possible to analyze it from a broader perspective and aspects (Fig. 2).

Comparative state studies are an indispensable tool in improving the basic institutions of the state. As an independent research area, they put forward the study of foreign experience in the construction of the main state institutions, taking into account the peculiarities of national development, the solution of scientific and applied problems that arise before the state. In the modern world, the trends of interconnection and mutual influence of states are increasing. The international organizations and communities of states established for this purpose contribute to the coordination of the solution of common problems for the world community.

At the same time, there are two conditions for the correct application of the comparative method: comparison should not be limited to peoples of the same race or peoples, who speak the same language or have the same religion. Only those systems that are at the same level of social development can be compared. The comparative history of law, when addressing the political and legal life of the people, should in no way be limited to a simple comparison of two or more legal systems just because they exist simultaneously or are geographically close to each other.

Comparison can be effective only when considering legal systems or concepts that belong to the same development stages of different peoples. The relations, which are subject to comparison, are based on the unity and diversity of continuously evolving and changeable world. That is why the first subjective prerequisite for comparison, as the process of mapping in human knowledge of the real relationship of identity and difference, is the existence of real things and phenomena, which are in the relationship, interdependence, interconditionality, and interaction.

The identity between the objects themselves is manifested in two forms: first, in the form of complete identity, where two objects are identical in all their properties; second, in the form of a partial coincidence of just some of their properties, such as functions, conditions, etc. (partial identity, which is considered specifically, and which has differences). In this regard, the problem arises of the correct choice of comparison objects related to the phenomena of state-legal reality. In this context, the objects must be comparable, that is, there should be a certain connection between them (for example, a comparison of the similar objects). They should be untouched and taken in their connection with the outside world. That is, the homonymous objects should not be considered as the similar and identical, otherwise, the result of the comparison will be erroneous.

Studies show that the technology of comparative state studies is developing poorly, and still, there are many unresolved issues, such as, for example, the approach to a comparative study of the main phenomena and processes of state-legal reality. There are difficulties in the methodology, in particular in the form of differences in languages, in materials of different countries that are compared, the inconsistency of terminology, inevitable differences in their judicial practice, etc., that, certainly, affect the research, and therefore, should be taken into account and overcome.

At the same time, methodological rules do not have to describe exactly, what researchers actually do. They are intended primarily to give researchers normative rules that should be followed. However, the actual scientific practice

only roughly meets them, because is carried out in very different ways. The practice of comparative legal research includes a number of methodological rules: methodological rules for determining the comparability of state objects, methodological rules for collecting information, and methodological rules for evaluating the results of comparative studies.

V. CONCLUSION

Summing up, one can note that the emergence of federal states is associated only with the industrial era. At that, in the context of the industrial revolution, in the public consciousness, the federal states were predominantly of experimental nature. Greater confidence in this form of government in both public and public figures arose only with the beginning of industrialization, which caused the demand for complex management decisions.

At the same time, the federalization processes develop wavelike. They are slowing down, then again gaining strength depending on the socio-economic situation in the world. This aspect engendered the phenomenon of post-colonial federalism. At that, the new states had to overcome ethnic and religious contradictions and heritage left by the colonizers. However, the era of postmodernization, which started after structural and cyclical crises, creates new challenges, which among other tools, can be solved by federalist technologies. Occurring rebirth of unitary states causes the emergence of transitional forms between unitarianism and federalism.

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