



Original Contribution

**GLOBALISATION, DEGLOBALISATION AND THE NEED TO
RETHINK THE NATIONAL LEGAL FRAMEWORK**

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ABSTRACT

The article endeavours to examine and analyse the geostrategic significance and impact of complex economic and political processes on current national social and legislative models, as well as the trend of deglobalization. The authors present the fundamental meanings and conclusions derived from the analysis. It is argued that in the context of deglobalization, the creation, revision, and potential re-evaluation of legal norms should prioritize moral and social considerations. This assertion holds true irrespective of the geopolitical influences related to human rights protection and social development within a state.

Key words: legal and social effect, influence, legislation

INTRODUCTION

In the context of the unification of law as a facet of globalization, Jürgen Habermas contends that such endeavours engender contradictions that profoundly influence individual countries and their legal frameworks. He asserts, "The constitutionalization of international law has primarily focused on pacification, which marked the inception of the European Union. The collapse of neoliberal illusions prompts the realization that financial markets, along with the functional systems of global society permeating national borders, pose challenges beyond the control of individual states or coalitions (1)". Habermas further underscores, "Since the days of the French Revolution, the disparity between the rights of citizens and those of human beings has remained implicit (1)". He advocates for equal rights for all, arguing that the cosmopolitan claim necessitates expanding the role of human rights beyond merely critiquing the inequities of a deeply stratified global society, advocating instead for their

institutional embodiment within a politically constituted global society. He emphasizes, "States do not possess rights; only individuals do. Therefore, individuals, not states, should play the central role in shaping politics. However, they have been relegated to the status of voiceless spectators (1)". Habermas's thesis holds relevance in post-national European societies, particularly concerning social and crisis-related issues impacting the rights of children, including those with deviant behaviour.

When scrutinizing the processes within our nation, including the positioning of political authorities and the legitimacy they wield, it becomes evident that such analysis is imperative. This is crucial due to the imposition of emerging political actors and ideologies, each vying for sovereignty and influencing legislation. Consequently, there arises a pressing need for social legal regulation, especially within the context of a united Europe. With particular emphasis, we advocate for the formulation of a comprehensive legal framework governing the relationships between the state and society, as well as the interactions between the country (social environment) and its children.

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Furthermore, this ethos embodies the primary motto of a united Europe – to stand together, to be resilient, and collectively overcome challenges. Under this premise, the European Union emerges as a paradigm of a globalized entity. Through bloc alliances, encompassing political, economic, historical, and cultural dimensions, the achievements of human intellect, both theoretical and practical, along with market realizations, are swiftly accessible to a vast populace. However, concomitantly, the antisocial phenomena accompanying human existence often teeter on the fringes, frequently eluding legislative control for similar reasons.

THEORY

Currently, divergent perspectives on globalization abound, inevitably shaping the destinies of individuals. Proponents of neoliberalism endorse globalization, viewing it favourably. They argue that a globalized economy is inherently more efficient, contending that dismantling market constraints - such as liberalizing trade and deregulating capital and labour markets - is essential for stimulating economic growth, achieving trade equilibrium, and reducing unemployment. Conversely, another faction of experts maintains that the notion of a borderless global market is untenable. They assert that a globalizing economy necessitates management and regulation by national governments, which must coordinate their policies to navigate this process effectively. This assertion stems from the understanding that one of the fundamental aspects of globalization is its economic dimension.

Globalization entails the integration of national economies into a globally interconnected and interdependent system, whether on a global scale or within regional blocs like the European Community. It involves the creation of global markets for goods, services, technology, capital, and labour. However, this process unfolds unevenly, encountering various obstacles and generating numerous conflicts, particularly within the social landscapes of individual countries.

Furthermore, alongside the notion of freedom in its global, neoliberal interpretation and the advancement of democratic processes with formal respect for human rights, certain facets of human existence have also been globalized and amplified. This includes phenomena such as poverty, violence, environmental

degradation, and terrorism, which have spread across borders. Additionally, instances of military invasions, political corruption, moral decay, social immaturity among age groups and students, and educational and intellectual stagnation occur with alarming frequency.

Presently, none of the so-called great powers can be unequivocally identified as democratic states. They often invoke the term "war" to justify their military interventions, purportedly in defence of democratic principles. Their actions frequently align with their interpretations of democracy, order, and justice, under the guise of protecting human rights, indicative of efforts toward imposing a global order, or globalism. Beyond warfare and special military operations, the transition towards democratization in societies has engendered a pervasive sense of social insecurity and unrest among people.

During periods of ongoing transition towards democratization and development processes within societies like ours, the mechanisms that individuals rely on for self-identification, equilibrium, and personal stability often undergo significant weakening. Frequently, external influences exert immense pressure on individuals, discrediting or completely disregarding their capacity for social, intellectual, and at times, physical defence. One notable consequence of modern globalization is the diminishing value and diminishing demand for immediate human labour, attributable to increased automation in manufacturing. This inability to find fulfilment through labour not only undermines, but fundamentally erodes human dignity, as individuals who remain unutilized in their work are deemed worthless, both in personal and familial contexts.

The potential for degradation of one's nature, thought processes, and actions towards negative rearrangement increases, as individuals are driven primarily by the imperative of physical survival. Consequently, the pursuit of higher ideals and spiritual fulfilment takes a backseat. Within this context, deviant behaviour is viewed as a broader societal issue, rather than merely an interpersonal conflict, often stemming from a breach of national laws and influencing interstate relations.

Simultaneously, advancements in technology and industry have rendered labour less pivotal in material production, exacerbating

unemployment and impoverishing the working class. The state's inability to generate new employment opportunities or implement comprehensive sectoral policies contributes to the closure of social frameworks and the lack of support for the unemployed and uninsured, precipitating substantial waves of immigration.

In recent years, emigration has emerged as a vital and widely embraced economic and social strategy, intertwined with national security concerns for many countries. For numerous individuals, joining the vast migrant exodus and seeking employment abroad isn't merely an aspiration for economic prosperity and social advancement; it's a means of survival.

The interplay of globalization, democratic processes, and the harmonization of Community law has precipitated the dismantling of visa regimes, facilitating a surge in immigrant flows not only within the community but beyond its borders as well. This transformation has left an indelible mark on families, children, and their psychological and developmental trajectories. Immigration involves the transfer of invaluable economic assets, notably human resources, from poorer to wealthier nations. However, the impetus for migration extends beyond mere livelihood opportunities; military conflicts, irrespective of location, serve as additional catalysts, exacerbating and amplifying migration flows.

Consequently, families, local communities, and the homelands of migrants bear the brunt of the repercussions arising from heightened emigration. Immigrant communities evolve into distinct units of societal fabric, characterized by novel norms, unwritten regulations, and unprecedented challenges. In such environments, children inevitably bear the negative consequences, as they become estranged from their roots, witness degradation of their native language, experience grammatical deterioration, and encounter lexical fusion. Consequently, communication difficulties, particularly in educational settings, become pronounced, while their overall experiences as expatriates unexpectedly acquire negative dimensions.

It is evident that virtually no sector, particularly within the social realm, remains untouched by these adverse repercussions for the countries of migrants, notwithstanding the escalating legal

constraints aimed at curbing immigration in host nations.

Throughout history, global socio-economic relations have been predominantly shaped and driven by market dynamics, irrespective of the prevailing political systems in individual countries. Global processes typically serve the interests of nation-states until certain countries find themselves marginalized due to military interventions imposed by external parties. Sociologist Zigmund Baumann, a prominent Polish scholar of postmodernism and globalization, delves into the intricacies of globalization and its implications for humanity in his seminal work. He observes, "For some, 'globalization' represents a pathway to happiness, while for others, it embodies the source of our suffering. Yet, for all, 'globalization' signifies the uncertain destiny of our world - a process that is both irreversible and universally impactful (2)". He further notes, "However, globalization processes do not uniformly affect all individuals or communities. While globalization fosters integration, it simultaneously engenders division - coinciding causes of division with factors that promote global unity (2)". Baumann elucidates the dual nature of globalization, highlighting its tendency to unite, while also fragmenting societies. Alongside the emergence of global business, finance, trade, and information exchange, there is a concurrent trend towards localization and fixation to specific geographical sites. What may appear as globalization to some, manifests as localization to others. While mobility is exalted as a cherished value, the freedom to move swiftly becomes a primary determinant of social stratification in contemporary society. In this rapidly changing world, immobility is deemed unrealistic, rendering individuals either "global" or confined to their "locality." Being anchored to a specific locale within a globalized context often entails social deprivation and degradation. The loss of communal spaces beyond the confines of localized life deprives individuals of opportunities to shape and discuss meanings, leaving them increasingly reliant on interpretations beyond their control - an unsettling reality even for those who once harboured utopian visions of globalization.

An inherent aspect of the globalization process is the proliferation of spatial segregation, division, and exclusion. The rise of neo-tribalism and fundamentalist ideologies,

reflecting the disillusionment of individuals deeply impacted by globalization, is a legitimate consequence, mirroring both the highs and lows of globalized culture. Of particular concern is the widening chasm between the expanding global elite and the rest of society - an increasingly localized populace. Today, centres of meaning and value production transcend territorial boundaries, often operating beyond local constraints, although the human experience to which these values and meanings are communicated remains rooted in local contexts. Contemporary thought and lifestyles underscore the pervasive influence of globalization on family dynamics, individual lives, mentalities, and identities. In our country, this process unfolds with heightened dynamism, compounded by a protracted post-communist transition and prolonged political instability. Such conditions give rise to myriad elements that transgress various boundaries and norms, particularly in moral and legal realms, increasingly encroaching upon established norms. Among the most affected by these negative phenomena are children, who bear the brunt of societal, economic, and social challenges, exacerbated by precarious labour market conditions at the expense of familial cohesion and societal values. Merely being self-sufficient in terms of natural resources and economy falls short in the face of globalization's relentless march. During periods of military conflict and post-war reconstruction, globalization undergoes reshaping and restructuring, its foundations realigned and its influence fluctuating.

In the wake of the war in Ukraine, Chukov observes, "In just a few weeks, once-cherished clichés such as 'democratic world,' 'human rights,' 'European values,' 'market economy,' and 'international law' have been stripped of their meaning (3)". These clichés have devolved into mere mantras, echoing hollowly in the minds of individuals predisposed to critical thought. The Bulgarian populace, disillusioned with the liberal cognitive matrix, increasingly confronts the stark reality of a nationhood in decline - a state teetering on the brink of collapse, akin to a patient in a resuscitation ward with a prognosis veering toward fatality. The global liberal elite now finds itself reliant solely on the betrayal of national elites, devoid of substantial military or financial backing (3).

The repercussions of special operations, or in simpler terms, wars and subsequent refugee

crises, extend beyond immediate humanitarian concerns to encompass profound impacts on national economies, legal frameworks, and social systems. These crises often strain and destabilize the affected countries to such an extent that they erode and tarnish their national image and identity.

Regarding the movement of refugees, N. Petrov reflects in "Geopolitics of Migration Chaos," stating, "Europe will inevitably be compelled to grant them the same rights as its citizens simply because it has no alternative. However, the real concern lies in the fact that these individuals, at some point, may seek to reshape the continent according to their own cultural and civilizational norms, using democratic or other means. By then, they will have acquired sufficient influence and agency to effect such changes (4)".

These sentiments, expressed by professionals, theorists, and politicians alike, underscore the apprehensions - or perhaps, the stark realities - facing modern Europe, which has often proven ill-prepared to handle social and post-war refugee crises, reminiscent of deglobalization trends.

The philosophy of globalization once epitomized a trajectory of economic expansion and shared prosperity among participating nations. However, it is evident that over the past decade, this process has languished, beset by a myriad of crises presenting unprecedented challenges across economic, social, educational, legal, and healthcare sectors. The post-World War II era, marked by the consolidation of countries towards collective advancement and economic growth, has drawn to a close.

The gradual cooling of political relations, coupled with the trend towards state localization and the emergence of new, insular interstate structures, has fundamentally altered the paradigm of globalization. This shift has effectively narrowed the scope for all-encompassing, community-wide economic growth and prosperity. As countries diverge in their perspectives on global development processes amid persistent crises, they seek to redefine their positions and chart new paths of political and economic development.

The withdrawal from major unions and the pursuit of political and economic autonomy, coupled with the formation of new state

associations and independent structures aimed at realizing distinct political projects, establishing markets, and fostering economic and commercial zones, represent tangible manifestations of the deglobalization process.

Since the inception of the "Schuman Declaration" delivered by French Minister of Foreign Affairs P. Schuman on May 9, 1950 (5), aimed at establishing a European Coal and Steel Community among participating countries - France, West Germany, Italy, the Netherlands, Belgium, and Luxembourg - until our country's accession to the European Union on January 1, 2007, the temporal dynamics of globalization processes (as seen in global economic bloc formations) and deglobalization (restructuring of groupings) have evolved differently.

Initially, the focus of the European integration project was primarily on the consolidation of capital and product markets, with less emphasis on social considerations. However, over time, globalization processes have increasingly impacted the social sphere, influencing the well-being and prosperity of countries. The effects of globalization and deglobalization extend beyond economic realms, reshaping both economic and social realities within newly formed interstate structures and alliances.

Both globalization and deglobalization processes, particularly the latter, aim to address social issues within each country. These include reducing unemployment, fostering employment opportunities, streamlining administrative processes, ensuring sustainable and decent incomes for workers, enhancing the well-being and living conditions of the elderly, socially vulnerable individuals, and people with disabilities, as well as continually improving the education and healthcare systems, and adapting the judiciary to evolving realities.

CONCLUSION

As deglobalization processes gain traction, extreme political rhetoric suggesting that globalization leads to depopulation and loss of national identity in the social and economic

fabric of countries has been significantly mitigated.

For our country, the advancement of deglobalization processes holds critical significance, necessitating a rapid reassessment of the political and legal framework in alignment with prevailing national social doctrines. This framework must remain adaptable and responsive to the dynamic nature of political processes at all times.

In striving for relevance, the timing of deglobalization processes, irrespective of their origins, necessitates proactive legislative measures and initiatives aimed at adapting the existing legal framework, particularly within the realms of social and educational spheres.

The crux of navigating these intricate geopolitical dynamics lies in harnessing their potential at the state level and leveraging their positive impact on the economy, especially within the social sphere and overall social-legal framework. Such efforts should align with the evolving temporal landscape of public discourse, fuelling demands for elevated social standards across states.

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