ROLE AND PLACE OF THE RULE OF LAW IN THE 
SOCIAL BEHAVIOUR OF AN INDIVIDUAL AND A 
CITIZEN

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It is indisputable that the discussed issue is timely in the international aspect and numerous questions linked with it need a thorough scientific summarization. This is especially needed for the new democracies, where there is a conceptual confusion on the layers of state-political and public perception up to the level of scientific thought. A comprehensive study of international experience on the issue has led us to the conclusion that in any country the success of establishing a legal, democratic state, is first of all conditioned with the level of equivalent understanding of the principle of the Rule of Law, its adequate constitutional stipulation, legislative provision, rooting in the state and public mindset and modus operandi. The question is not only that the limited perception of the fundamental principle of the Rule of Law often leads to confusion of its identification with the Rule of the Law (Rule of the Statute). It is more important that in such circumstances the cornerstone of establishment of legal, democratic state cannot be laid properly, and all the efforts aimed at this do remind the illusion of construction of the castle in the sand, without a stable foundation.

Concerning the subject of the discussion we attach a special importance to the following circumstances:

First, how precisely the principle of Rule of Law is legally comprehended and clearly formulated;

Second, how precisely the essence of this principle has become the initial element of the legal and political culture of the given country;

Third, how it is reflected in the level of constitutional solutions;

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Fourth, how precisely the guarantees for the implementation of this principle are legislatively stipulated;

Fifth, how the law enforcement practice precepts and implements the principle of the Rule of Law;

Sixth, how this principle has become necessary, comprehended and naturally enforceable element of social behavior of an individual and a citizen;

Seventh, how the state and civil society monitor the implementation of this principle and overcoming the obstacles hindering it.

From the numerated circumstances, let us highlight the conceptual approaches of particularly the last two items, on the basis of the following reasoning:

1. The Rule of Law, as a cornerstone of the rule-of-law state, first of all implies that even people, who hold the power and are the source thereto, are limited by inalienable human rights as possessing direct effect. For many countries, this has become the core constitutional provision. Consequently, all other aforementioned circumstances are necessary for creation of an environment necessary for making the Rule of Law the core of the social behavior of an individual and a citizen, axiological basis for his/her self-expression and self-realization. If this is not the case, other specified circumstances become an end in itself.

2. System monitoring for the transformation of the Rule of Law as the core of human social behavior is the main condition that is necessary for the consistent identification, assessment and overcoming of all the possible obstacles of limiting the power by law.

In a more general form, the principle of the Rule of Law implies that:

- Human rights shall be constitutionally declared, legislatively secured, as well as ensured and protected by equivalent institutional solutions;
- Restriction of the power by law and the direct effect of the
fundamental human rights should become a norm of behavior for all the layers of the social society;
- The principle of equality before the law should be respected and guaranteed;
- Justice must be independent and impartial;
- Laws and other legal acts should be in conformity with the principle of legal certainty, be predictable, precise, with no gaps and ambiguity;
- Exercise of the power shall be based on the legality, equity, and reasonableness;
- Issues related to the subjective rights of individuals should be considered and decided on the basis of law, not arbitrarily;
- Legal disputes should have the necessary mechanisms for their effective resolution exclusively by legal remedies;
- Concerning the issues of guaranteeing, ensuring and protecting human rights, the state should sequentially fulfil its national and international obligations.

Guaranteeing the principle of the Rule of Law presupposes simultaneous existence of all these inter-conditioned and complementary legal conditions, which, unfortunately, is often not properly perceived in the political and legal systems of the countries of new democracy.

These approaches are also derived from the positions stipulated in the Report of the Venice Commission of the Council of Europe CDL-AD (2011) 003rev of April 4, 2011 regarding the Rule of Law.

On September 24, 2012, the UN also adopted the Declaration of the High-level Meeting of the UN General Assembly on the Rule of Law at the National and International Levels. Emphasizing the exclusive importance of the Rule of Law at the national and international levels, the aforementioned declaration highlights the importance of the independence of the judiciary, access to justice, fight against corruption, terrorism and transnational organized crime. It contains appeals to all the member states to make the Rule of Law the basis for activities of the national authorities.

We do believe that in this context the main emphasis should not
be on the importance of the discussed issue, which is obvious, but on
the necessity to specify the priorities of guaranteeing the Rule of
Law on the basis of the conceptual summarization of other existing
European and international experiences and the necessity to reveal
the real possibilities of restriction of the power by law as a result of
the systemic evaluation of the objective realities.

We do strongly believe that the starting point for solving this
problem is a human being with the level of system-value
understanding of the social behavior, level of public legal
personality, existence of objective environment for its
implementation. Consequently, for the establishment of the Rule-of-
law state, the place and the role of the Rule of Law in the social
behavior of the individual becomes pivotal, creating an equivalent
system of relations of individual-society-state, becoming the initial
criterion for the establishment of the civil society and the Rule-of-
law state.

Nowadays the social behavior of an individual has become a
subject of serious scientific discussions by philosophers, sociologists,
psychologists, and representatives of other sciences. However, in our
opinion, an approach towards the problem of the legal assessment of
the social behavior of the individual, relevant to its actuality, has not
been manifested yet.

Social behavior of an individual is first of all a comprehended
and rational behavior: it has axiological background, motivation of
manifestation, featured forms and ways of expression, which guide
the self-expression of a person in multilayered social links. The
axiological basis of the social behavior is the assessment,
understanding of the place and role of the human being in public life
in accordance with the value system of his/her perception of the
World.

It is well known that at the beginning of the last century the so-
called “La Pierre Paradox” proved that the constant and main feature
of the human social behavior is his/her axiological orientation, the
value system, serving as a basis for his/her rational self-cognition
and self-expression.
Spiritual and physical needs of a human being, diverse motivations of his/her expectations, interests and goals dictate the relevant *modus operandi*, which, in itself, has a meaningful axiological manifestation. The reality is that the values correspond to the society and the individual. Axiological motivation of the individual, in its turn, is both of subjective and objective social feature and significance. The core issue here is the following: how the dialectic of satisfying of the needs of the individual is, via which motivations of satisfying these needs an individual gets involved in a dynamic process of social relations, deriving from the objective reality that every satisfied need creates new ones. Taking this circumstance into consideration, at the end of the last century Robert Lucas, the Nobel Prize laureate, in the framework of the theory of rational expectations suggested to put the concept of influence on the social expectations of the people in the background of public administration.

The formula to achieve satisfaction and happiness through deterrence of expectations has also become the spiritual value of millenniums.

The social significance of social interrelations and social behavior of an individual is increasing in the civil society parallel to valuing his/her place and role. In such a society, social behavior of an individual should be sustainable, predictable and harmonic to his/her ideals, aspirations, expectations and comprehended benchmarks of the social links. This is possible only if there is a strong axiological basis for the rational human existence and in the terms of formation of the relevant social environment.

In this perspective such urgent social issues should be estimated, and adequate solutions should be found concerning them, as, for example, the demographic issues in case of our country.

Simultaneously, in a democratic society it is necessary that the value orientations of social behavior of an individual are in harmony with the value system, fully acknowledged in the society.

In this context, the fact that the social behavior of the individual is not a systemless display of his/her social psychology, but its main
feature is normativeness, deserves attention. The latter is formed both on the grounds of customs, traditions, spiritual values, various impacts to the social environment, and also primarily as a result of the legal regulation of the relationship between people and their groups.

In this respect, the lessons of the history are also rather instructive. Mkhitar Gosh, one of the greatest representatives of the Armenian medieval legal thought, in Chapter B of the “Introduction” to his *Datastanagirk* (Code of Laws), motivated the need of regulation of legal relations, in particular, by the following circumstances:

- Evil in people, evil in general has multiplied, and people do not know the laws; therefore, their decisions are incorrect or deviate from the laws;
- the Mosaic laws, the writs of prophets and the Gospel, being written once, remained intact, petrified; meanwhile, the human behavior and morals are different and altering in the course of time people and the Universe. Therefore, such a Code of Laws, which will reflect these changes, is needed;
- At the beginning, the Holy Spirit influenced on people and assisted fair justice to be exercised, and the Spirit was the Law, depicted in the people's hearts, so there was no need for the written law. Now, when the Holy Spirit does not already have the former impact and people “perverted” from the path of Christian brotherly love, veracity, the need to write the Code of Laws has emerged;
- Lawsuits usually end with an oath, but the evil multiplied in people and they, in spite of the fact that Lord imposed a ban on oath, were swearing aptly or inaptly and often in vain. In order to restore the violated legal order, the Code of Laws was written;
- Code of Laws was to establish legality and order, so that justice shall be impartial, imperishable, and fair.

These and other statements, which justify the need for the Code of Laws, are available due to a thorough and unbiased scientific evaluation of the events of XII century. They also suggest that the nature and necessity of legal regulation are also conditioned by
human social behavior, axiological guidelines of its manifestation and the social environment where a person will express himself/herself as a socio-cultural creature with rational and creative commencement.

We do believe that the conclusion is unequivocal: social society is a healthy, viable, naturally existing and developing system only in the case, when the social expectations of the individual are in harmony with axiological guidelines of the society, and objective, as well as reasonable and thoroughly acknowledged values lie on their basis.

For such a role neither spiritual nor secular thought, due to the millennial experience, have found anything new, but human rights and fundamental freedoms acknowledged as highest and inalienable values.

Recognition of the principle of the Rule of Law is the highest point of the human self-recognition and comprehended self-expression of his/her social existence. Therefore, the following truth is indisputable: expectation of social harmony and development becomes senseless in a society, where the guarantee of the principle of the Rule of Law is not the cornerstone for the individual and his/her public self-expression.

In the rule-of-law and democratic state, constitutionally, on the basis of the fundamental law of the civil society, due to the relevant state policy, a social environment, where the Rule of Law is the core of the generation and manifestation of social behavior of individuals, their groups, authorities and the society as a whole, should be formed. As the great Armenian genius Grigor Narekatsi stated in his divine prayers in 10th century: human sins are not his crime, but his misfortune. A person needs a necessary environment and opportunity for a normal and dignified life. Nevertheless, the lessons of history indicate that this can only be guaranteed in the rule-of-law and democratic state.

The highest mission of the rule-of-law state is such a regulation of social behavior of the individual, society and the state, when the inalienable rights of an individual become main guarantees of his/her
freedoms, when such a social environment is formed where not the external influence, but the self-guidance based on the Rule of Law, become the highest form of guiding the social behavior of an individual. In such a society, where the Rule of Law is the starting point for both the state and an individual, where law-obedience, shame and conscience have incomparably greater and decisive impact on the behavior of the individual than penalty and its preventive essence.

This undeniable truth should become a reality first of all in the Basic Law of the country, and, not by mechanical adoption, but by comprehended stipulation and strict implementation on the basis of public consent. However, it is more important, on the one hand, to guarantee the latter in real life, transform the constitutional fundamental values into the rule of life, into the norm of behavior of an individual, society and state, on the other hand, to ensure such system of monitoring of guaranteeing constitutionalism, which, in the state of permanence, will be able to reveal, assess and overcome any deviation from this fundamental principle under the influence of different factors, providing the social organism with the necessary and sufficient immune system.

There is just one conclusion: the constitutional destiny of the country is conditioned by the circumstance of proper axiological guidance of the HARMONIOUS social behavior of an individual and a citizen based on the principle of the Rule of Law; there is simply no other way.