

Sustainable Development of Society in the Context of the Transformation of the Legal Framework

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Abstract

The socio-economic processes in the world and in Europe are highly dynamic and are aimed at a sustainable development of society. The sustainable and balanced development of society determines the need for the development of coherent and objectively justified elements of the legal system, including the creation of a new legal framework, the permanent reform of law enforcement authorities, and the use of national and international legal practices in socio-economic activities. At present the sustainable development of society is affected by a new socially unfavourable phenomenon COVID-19 that has a global impact on all regions of the world and almost all spheres of life. International organizations and national institutions must be responsible, courageous and determined in tackling the challenges of the crisis and in building a new generation. The global crisis can be a unique opportunity not only to successfully overcome its consequences, but also to ensure a transition to a fair, climate-neutral and digital sustainable Europe. In this context innovative thinking, successful use of modern technologies, transition to new models of social, economic, political and legal governance are needed. In general, this will contribute to the development of the sustainable society based on a full legal framework. Research aim: to identify the current state of the sustainable development of society, including the impact of COVID-19, by modelling the potential development of it, in accordance with the perspective of transnational socio-economic development. Research methods: study of legal literature and literary sources, the Internet resources, method of modelling, as well as descriptive and analytical methods.

Keywords: COVID-19, sustainable development, crisis, society, the legal framework

1. Introduction

The aim of the study is to explore the impact of the legal system on a sustainable development of society. By analysing trends in society it can be recognized that they are contradictory, heterogeneous. The sustainable development of society in global and regional context is unequal, which contributes to the formation of social conflicts, the growth of crime and terrorist acts, manifestations of an extremist nature. The sustainable societal development is ensured by a high qualitative and balanced legal framework. The development and implementation of a legal framework with high standards of equity for the values and needs of society, stable and consistent institutional development, the practices of implementing the legal framework by law enforcement and other institutions in accordance with public interests, a consistent legal policies and high levels of public legal awareness are included in the legal framework. The legal framework should be integrated with the sustainable development of society. It provides that the legal system and its elements are transformed according to the needs of society and the principles of democracy. It should be acknowledged that the sustainable development is not an

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innovative concept. It became widely known following the report by the World Commission on Environmental Development (Jarvie, 2016). The sustainable development is the latest manifestation of an ancient ethic linked to human and environmental relations and the responsibility of the current generation to future ones. This is a development where meeting today's needs does not threaten the ability of future generations to meet their own. However, there is a question whether the nature and content of the sustainable development are dogmatic and its content is similar to the origins of its understanding.

It is logical and reasonable that every stage of evolution of the society complements and interprets it according to objective circumstances and subjective perceptions. Today, the idea of the sustainable development is understood not only in terms of resources and the environment, but also in terms of the ability of people to organize their lives so as to ensure economic, social and environmental sustainability, as well as harmony between present and future generations, and to improve well-being and quality of life by improving access to education and health care, guaranteeing the necessary legally regulated safety standards and respecting human rights. In the context of the transformation of the legal framework certain aspects of the sustainable societal development will be analysed by the authors on the basis of the most important legal acts of the United Nations (UN) and the European Union. They will not be complete, but their wider analysis is limited by the limited scope of the study.

2. UN Legal Framework for Sustainable Development of Society and Strengthening of the Rule of Law

The development of the rule of law at the national and international level is considered essential for the full implementation of the sustainable development, inclusive economic growth, eradication of poverty and hunger. In turn, development in each of these areas can strengthen the rule of law and its power. In 2000 the United Nations Millennium Declaration was adopted at the United Nations Summit (The Millennium Development Goals, 2000). Eight development objectives for priority socio-economic development were set in the United Nations Millennium Declaration. These include reducing extreme poverty, providing equal opportunities for women and men, reducing child mortality, improving maternal health, ensuring environmental sustainability, halting the spread of HIV/AIDS, providing universal basic education, and helping people in less developed countries. In order to achieve these objectives, a specific deadline of 2015 has been set. A complex programme was also developed in Latvia to meet the objectives set in the UN Millennium Declaration (Kā dzīvosim Latvijā 2015. gadā?, 2005).

However, some important problematic aspects, for example, security, the rule of law, power of law and principle of social justice, which have been included in the UN Millennium Declaration (UN General Assembly, United Nations Millennium Declaration, 2000), were not fully implemented. The need for improved governance, the importance of justice and security structures, ensuring the accessibility of legal services and that law enforcement authorities respond to violations of the rights of all individuals, were acknowledged in the Declaration. In terms of the rule of law it meant that there has

to be a legal framework which is implemented by a predictable and transparent way, guaranteeing that „all persons, institutions and the organizations, both state, and private, including the state, bear responsibility for justice, justice and justice, laws and without discrimination shall be entitled to equal protection of the law” (Security, the Rule of Law, 2013). It can be acknowledged that inefficient legal systems did not allow people to fully exercise their rights, could not always protect citizens from violence and could not sufficiently contribute to the forms of corruption. The powerlessness of the rule of law has failed to fully protect the fundamental rights of citizens to a safe environment and security. Judicial systems with well-developed crime prevention strategies should be effective in preventing crime and should not allow victimization. The global objectives of the future could be achieved by integration of the rule of law, justice and safety as the integral subjects contributing to the sustainable development of the countries. However, the legal framework for the sustainable development at the UN level has been further developed and supplemented.

The experience from around the world to offer some ideas and practical recommendations on how to ensure safe development was analysed in the 2011 World Development Report (World Development Report, 2011). In the report it was acknowledged that ensuring legitimacy in institutional systems is a key to stability. If national authorities do not adequately protect citizens, do not provide access to justice, people are not provided with employment opportunities, violence and possible escalation of conflicts will increase. Ensuring the safety and justice of citizens is essential to reducing violence. However, there are significant structural deficiencies in collective capacity to support these areas. An effective solution of a problem involves the flexibility of the regulatory framework and the functioning of the institutions. The legality is again of great importance in conflict prevention and the sustainable development of society. At regulatory level this term means developing confidence that the mechanisms of functioning of institutions and the results achieved are correct and true. This concept generally applies to a functioning institutional system. Legality is established through building trust between different political formations and groups. Forms of legitimacy include procedural legality (with respect to the method of decision-making), legal legitimacy (related to activities including provision to the public) and international legitimacy (which includes the implementation of values and obligations that are considered by international law as national obligations).

The importance of the rule of law for the sustainable development and economic growth was re-emphasized in the Declaration on the Rule of Law at the National and International Levels at the UN General Assembly in 2012 (Declaration of the High-level Meeting, 2012) It is the high-level Declaration on the Rule of Law at the National and International Levels of the General Assembly. The World Development Report directly links development and justice, arguing that the threats to development posed by organized violence, conflict and instability cannot be addressed by short-term or partial solutions without legitimate institutions, ensuring equal access to security, justice and employment for all citizens. Thus, efforts to strengthen justice systems, to manage and reduce vulnerability and empower the legally poor are essential not only for effective control of crime, but also for national development planning and policies. As indicated in the report of the UN work group on the post-2015 UN Development Programme,

the implementation of the post-2015 development agenda will depend on effective governance based on the rule of law, as well as on the legal and economic capacities for people, especially the vulnerable, to participate effectively in decision-making at the national and local levels.

In 2015 the UN General Assembly adopted a resolution entitled „Transforming Our World: A Sustainable Development Agenda 2030” (Transforming our world: the 2030 , 2015) or an Agenda 2030. It sets 17 UN sustainable development objectives and 169 sub-objectives to be achieved worldwide to reduce poverty and to make the development sustainable. The Agenda 2030 was adopted to balance the three dimensions of the world: economic, social and environmental. In the planning and implementation of UN activities the Agenda 2030 for the Sustainable Development also calls for the involvement of a wide range of participants – civil society, the private sector, states, national associations in the UN and other institutions. All countries are expected to submit Voluntary National Review on the implementation of the Agenda 2030 at least twice every 15 years. Voluntary National Report of Latvia (hereinafter referred to as the Report) to the United Nations on the implementation of the sustainable development objectives was presented at the annual High-Level Political Forum in New York on July 17, 2018. The report on the implementation of sustainable development objectives for the United Nations has been prepared in Latvia (Latvija, 2018). Taking care of the security and safety of our citizens and ensuring legality is the key responsibility of all countries and the basis for their development. The law defines and regulates fundamental values adopted at the regulatory level.

3. Activities of the European Union in Sustainable Development of Society and the Rule of Law

Many policy and planning documents and laws and regulations have been developed and adopted in the European Union to address challenges of the sustainable development and the rule of law. In this article the authors will focus only on certain policy planning and legal documents. A report „A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development” of the European Commission was thus adopted and published in Brussels on May 15, 2001 (A Sustainable Europe for a Better World, 2001). It was recognized in this document that there is a need for a coherent approach to long-term economic growth, social cohesion, environmental protection and the rule of law. The sustainable development offers the European Union a positive long-term vision of a more prosperous and safe society that promises a fairer and healthier environment, a society that provides a better quality of life. To achieve this, it is essential that economic growth, combined with appropriate legal framework, supports social progress and that legal policy consistently promotes economic development.

On May 30, 2018 the European Commission approved a proposal for the development of the Justice Programme (“Justice Programme ”, 2018). The development of the Programme was justified by the lack of rule of law in the European Union, which did not ensure sustainable development. It was concluded that there were still signs of inequality and discrimination based on gender, racial or ethnic origin, religion or belief, disability,

age or sexual orientation in society. Violence remains a reality in the daily lives of many women, children and others at risk.

Citizens are still not fully aware of the rights deriving from the EU citizenship – the right to free movement, consular protection and the rights to vote. As a result political and public participation of the citizens is hampered.

The economic crisis and new challenges, such as migration, have led some people to question the fundamental rights and values underpinning the European Union. In some cases the rule of law, access to justice, the functioning of civil society and the independence of the courts were also called into question. The countries of the European Union must do more to ensure that all citizens are aware of the values of the EU and the benefits of the EU citizenship, and are encouraged to achieve a higher level of political and social participation and a better understanding of the Union, its history, cultural heritage and diversity. This involves raising the level of common legal awareness and legal culture. European legal values are also an integral part of societal awareness.

It is also recognized that judicial cooperation in civil and criminal cases is insufficient and the availability of judicial authorities in the Member States remains difficult. Consequently, there is a need to improve the tools for collecting comparable information on the quality, independence and effectiveness of the judicial systems of the Member States. A major obstacle to mutual recognition and judicial cooperation is the lack of confidence in the judicial systems of other Member States.

The further development of the European justice space based on the values, the rule of law, mutual recognition and trust of the Union, in particular by facilitating access to justice and improving the efficiency of national judicial systems, is supported by the new EU Justice Programme. This programme will be part of a new Rights and Values Foundation that will help to support an open, democratic, pluralistic and sustainable society. It will unite the EU citizens into a single legal space; promote further development and the use of common values. The Rights and Values Foundation will directly contribute to the priorities of the European Commission, in particular the creation of a single area of justice and fundamental rights based on mutual trust and democratic change, and the creation of the union for growth and jobs. The Justice Programme and other EU funds related to migration, border management and security in particular will be harmoniously coordinated to create a common European security and justice space. Taking into account the internal links of countries in the field of national security and the rule of law, special synergies will be developed, ensuring adequate protection to victims of crime, funding for joint investigation teams and training of judges, cooperation with the European Criminal Records Information System, including justice bodies such as Eurojust and the European Public Prosecutor's Office.

Among the policy documents of the European Union related to the rule of law and sustainable development of society, the Rights and Values Programme (‘‘ Rights and Values Programme ’’, 2019), which was considered and generally supported in Brussels on June 3, 2019 should be mentioned. In accordance with the article 2 of the Treaty on European Union ‘‘The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member

States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.” Furthermore, the article 3 states that „The Union's aim is to promote peace, its values and the well-being of its people.” and, in particular, „It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced”. These values have been reaffirmed and formulated in the rights, freedoms and principles set forth in the Charter of Fundamental Rights of the European Union (Charter of Fundamental Rights of the European Union, 2012).

These rights and values should be at the heart of the EU project, since the weakening of protections in one of the Member States could have a negative impact on the Union as a whole. The programme provides for the establishment of a new Justice, Rights and Values Foundation in the framework of the EU budget, which includes the Citizens, Equality, Rights and Values Programme and the Justice Programme. At a time when European societies are facing extremism and radicalism, it is more important than ever to strengthen and protect the EU rights and values such as human rights, respect for human dignity, freedom, democracy, equality and the rule of law. This will have a profound and direct impact on the sustainable development of the EU, political, social, cultural and economic life. The Justice Programme will continue to support the further development of the justice space of the EU on the basis of the rule of law, the independence and neutrality of the courts, mutual recognition and mutual trust, access to the courts and cross-border cooperation. The Rights, Equality and Citizenship Programme for 2014-2020, which was established by Regulation (EU) No.1381/2013 (Proposal for a Regulation of the European Parliament and of the Council, 2014) of the European Parliament and the Council, and the Europe for Citizens Programme, which was established by the Council Regulation (EU) No.390/2014 („previous programs”), will be combined with the Citizens, Equality, Rights and Values Programme. The ultimate aim is to promote and support a rights-based, equitable, open, pluralistic, inclusive and democratic society. This includes a dynamic and capable civil society, promoting democratic, civic and social participation and promoting the rich diversity of European society based on our shared values, history and memory.

On January 29, 2020 the European Commission adopted its 2020 Work Programme (Commission Work Programme, 2020), which admits that the European Union has a unique opportunity to head transition to a fair, climate neutral and digital Europe in the forthcoming year and decade. This dual ecological and digital transition will affect every country, region and individual. The implementation of the programme will ensure justice, equality, shared values and the rule of law. The programme includes six initiatives: the European Green Deal as a new growth strategy; digitalization of Europe, including increasing the resilience to cyber attacks and ensuring a high level of cybersecurity; developing an economy that work for people by providing legal instruments for a fair minimum wage for the EU workers and an anti-money laundering plan; a stronger Europe in the world through an action plan to strengthen human rights and democracy, which will focus on the leading role of the EU in establishing human rights standards and respecting international humanitarian law; promoting European way of life by fostering common values, such as solidarity, equality and justice, and giving new impetus to the development of European democracy through the preparation and publication of

the first annual report on the rule of law. This will help to strengthen the European culture of the rule of law in the European Union and will promote its sustainable development.

4. Sustainable Development in the Context of COVID-19 Crisis and of Prevention of Its Negative Consequences

At the beginning of 2020, when the authors studied trends in the sustainable development of society in the context of an objectively defined transformation of the legal framework, it was not assumed that there would be any preconditions for a possible global crisis. It is a harsh reality at the moment. In this regard, two important issues and areas of the study can be addressed by the authors. Firstly, to what extent and how the crisis caused by COVID-19 will affect the overall sustainable development of society at the global and regional levels. Secondly, with regard to the topic of the study, how and in which way the crisis caused by COVID-19 will affect the transformation of the legal framework.

The coronavirus has shaken Europe and the world to its core, testing healthcare and welfare systems, our societies and economies and our way of living and working. It is acknowledged that COVID-19 coronavirus assessments are reflected in two main dimensions: firstly, epidemiological coverage and public health implications; secondly, the impact of the crisis on the economic and financial situation, the social environment (people's employment, income, social protection, etc.). However, the authors will note two other dimensions that will be quite important in the future. The third dimension is communicative. It can be assumed that the process of human communication and interaction under the influence of COVID-19 will be transformed to some extent. People's habits as consumers will change. Being remote, people will not buy a lot of unnecessary stuff. In this respect, the good old days must be abandoned. In further contact people will be more prone to the local, known environment. People will be more aware that their quality of life is affected not only by the state, but also by the specific country or city. The fourth dimension is technogenic one. It is linked to modern technologies, including more intensive use of MI, as well as designing and development of new products and the much wider involvement of individuals in their use. It is expected that in the future the form of distance education will be more widely used in the field of education. Digital offices and management centres will be established. There is no doubt that the full range of problems is interconnected. It can be assumed that the coronavirus will have a lasting impact on the way of life, forms of communication, value systems and consciousness of most of humanity. At the same time, however, it should be recognized that, in a crisis situation, the legislative and executive bodies of the European Union were unable to take timely joint actions to monitor the spread of coronavirus, assess the risks of infection in Europe, and mobilize the necessary medical and other resources to combat the epidemic and did not provide real assistance to the countries which were most affected by pandemic (Italy, Spain, France). In fact, European countries were forced to fight the disease alone. Instead of the European Union, China helped Italy.

In the current impact of COVID-19 a growing adult social crisis can be seen: rising

unemployment level, limited access to health care, structural changes in education and uncertainty, and so on. It can be acknowledged that the devaluation of moral values is also increasing in society, and ethical norms are sufficiently ignored, that is evident in violations of the restrictions imposed by governments.

On May 27, 2020 the European Commission published proposals for a major and comprehensive economic, social system financial recovery plan (Europe's moment, 2020). It provides balanced measures that are inclusive and fair to all Member States. The European Commission proposes to create a new recovery instrument, Next Generation EU, which will be embedded within a powerful, modern and revamped long-term EU budget. The Commission also introduced an adjusted Work Programme for 2020 (Adjusted Commission Work Programme, 2020) which will prioritise the actions needed to propel recovery and resilience of Europe (The EU budget, 2020). Next Generation EU funds will be invested in three areas: support to Member States with investments and reforms; kick-starting the EU economy by incentivising private investments; addressing the lessons of the crisis, including additional funding of €2 billion for reinforcement of rescEU, the Union Civil Protection Mechanism, that will enable the Union to prepare for and respond to future crises. The plan provides for the EU budget of €750 billion for overcoming the consequences of the crisis and further sustainable development of the EU countries. The long-term EU budget for 2021-2027 is €1.85 trillion.

European Commission President Ursula von der Leyen acknowledged that: “The recovery plan turns the immense challenge we face into an opportunity, not only by supporting the recovery, but also by investing in our future: the European Green Deal and digitalization will boost jobs and growth, the resilience of our societies and the health of our environment” (Von der Leyen outlines ambitious recovery plan for Europe, 2020). COVID-19 is a major challenge for almost all countries of the world. It has an impact on trends of the sustainable development. At the same time, overcoming the consequences of coronavirus is the mobilization of all forces and resources, large additional investments in economic, social, legal and other areas, as well as the promotion of further sustainable development.

Conclusion

By analysing trends in society it can be acknowledged that they are contradictory, heterogeneous. The sustainable development of society in global and regional context is unequal, which contributes to the formation of social conflicts, the growth of crime and terrorist acts, manifestations of an extremist nature.

A legal framework that legally reinforces economic, social, political and other growth is essential for the sustainable development of society. The sustainable development of society is also ensured by structural and institutional transformations and changes. The legal framework must adapt to societal development trends and situations.

The sustainable societal development is ensured by a high qualitative and balanced legal framework. The development and implementation of a legal framework with high standards of equity for the values and needs of society, stable and consistent institutional development, the practices of implementing the legal framework by law enforcement and other institutions in accordance with public interests, a consistent legal policies and high

levels of public legal awareness are included in the legal framework.

The legal framework must be organically aligned with the sustainable development of society. It determines that the legal system and its elements are transformed in accordance with the needs of society and the principles of democracy.

The political planning documents and laws and regulations of the UN and the European Union are of great importance for the sustainable development of society. It is particularly necessary to pay special attention to the EU Justice Programme “and Rights and Values Programme, adopted in 2018 and 2019.

The sustainable development has been affected by COVID-19 and its negative effects. The EU adopted New EU Generation Programme will offer opportunities not only to overcome the consequences of the crisis, but also to make a significant contribution to further growth and sustainable development.

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