FUNCTIONAL CAPABILITIES OF THE CONCEPTUAL MODEL OF THE LEGAL SYSTEM'S SUSTAINABLE DEVELOPMENT IN ENSURING GEOPOLITICAL RESILIENCE OF NATIONAL SECURITY OF THE REPUBLIC OF MOLDOVA [1]

CAPACITĂȚILE FUNCȚIONALE ALE MODELULUI CONCEPTUAL AL DEZVOLTĂRII DURABILE A SISTEMULUI JURIDIC ÎN ASIGURAREA REZILIENȚEI GEOPOLITICE A SECURITĂȚII NAȚIONALE A REPUBLICII MOLDOVA.

CZU:351.74:347.97/.99(478)
DOI: https://doi.org/10.53783/rgsnrm2025.09

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Summary

This article presents the results of a study examining the connection between the functional capabilities of a conceptual model for the sustainable development of a legal system and the geopolitical resilience of national security in the Republic of Moldova as a modern state developing in line with pan-European trends. The author explores the functional capabilities of this conceptual model by establishing the relationship between the internal and external functions of a sustainably development legal system. The methodological basis of the study is a combination of theoretical legal modeling, systemic-structural, and functional analysis, taking into account modern scientific understanding of the development of social processes within the framework of civilizational and cyclical scientific paradigms. It is concluded that the functional capabilities of the conceptual model under study are necessary legal conditions of esurience the geopolitical resilience of the national security of the Republic of Moldova in the long term.

Keywords: *sustainable development, legal system, functions, geopolitical resilience, national security.*

Rezumat

Acest articol prezintă rezultatele unui studiu care examinează legătura dintre capacitățile funcționale ale unui model conceptual pentru dezvoltarea durabilă a unui sistem juridic și

[1] The article was prepared within the framework of the subprogram 01.05.01 **National Security of the Republic of Moldova in the Context of Accession to the European Union: Legal, Political and Sociological Approache**s, implemented by the Institute of Legal, Political and Sociological Research of Moldova State University, and reflects the results of the study using a comprehensive methodology based on the method of theoretical legal modeling.

reziliența geopolitică a securității naționale în Republica Moldova, ca stat modern care se dezvoltă în conformitate cu tendințele paneuropene. Autorul explorează capacitățile funcționale ale acestui model conceptual prin stabilirea relației dintre funcțiile interne și externe ale unui sistem juridic în dezvoltare durabilă. Baza metodologică a studiului este o combinație de modelare juridică teoretică, analiză sistemico-structurală și funcțională, ținând cont de înțelegerea științifică modernă a dezvoltării proceselor sociale în cadrul paradigmelor științifice civilizaționale și ciclice. Se concluzionează că capacitățile funcționale ale modelului conceptual studiat sunt condiții juridice necesare pentru asigurarea rezilienței geopolitice a securității naționale a Republicii Moldova pe termen lung.

Cuvinte-cheie: *dezvoltare durabilă, sistem juridic, funcții, reziliență geopolitică, securitate națională.*

Introduction

The modern geopolitical reality is characterized by a high level of dynamism, driven not only by the rapid speed of social communication in the information society but also by the real-time restructuring of the previously existing balance of power and priorities in the international political arena. [1]. Scientific analysis reveals that the causes of this restructuring are far more profound than the current changes in US foreign policy or the ongoing military aggression in Eastern Europe. It is essential to understand that all these events are merely consequences of much deeper crisis processes within which modern democracy continues to function [2], having failed to develop effective geopolitical mechanisms to counter authoritarian political regimes since the end of the Cold War [3].

At the same time, national security issues in modern states remain a priority for any state, including the Republic of Moldova. Effective solutions to these challenges are only possible with a long-term perspective and cannot be driven by a changing geopolitical agenda. It is important to recognize that the geopolitical reality faced by every state always acts as an *external factor*. Therefore, *the highly dynamic and unstable external geopolitical environment makes it imperative to seek the foundations of a state's geopolitical resilience within the state itself*.

In such circumstances, every state focused on effectively addressing its national security challenges faces the need to establish internal „constants" on which it can rely in today's unstable geopolitical reality. By finding a „fulcrum" in such internal constants, a state becomes capable of ensuring the geopolitical resilience of its national security, and thus, becomes capable of adequately responding to the numerous and difficult-to-predict geopolitical challenges of today's reality.

In this regard, it is necessary to take into account *the dialectical nature of all processes that constitute the very „reality" within which a state operates* within and beyond its borders [4], striving to solve specific problems in ensuring its national security. It would be a mistake to assume that the sought-after internal „constants" of a state's geopolitical resilience are some kind of „states" acquired once

and for all by the state, since under the influence of both internal contradictions and external factors, any acquired states are subject to change, and this fact must be recognized as indisputable.

Therefore, we believe that speaking of certain „constants" in the current reality is possible only as *internal conditions that arise during the development of the state's internal socio-political environment* and that guide the inevitable internal and external changes in the political system in a direction *that enables the state to resolve current contradictions that pose a threat to its national security, thereby leading the state's development to a new „cycle", each time receiving a new impetus for continued development as a result of resolving current contradictions, becoming a source of internal „resistance" to the negative impact of various threats*. At the same time, the continuous dynamics of the socio-political process within the state, generated by internal conditions, prevents threats to national security from inflicting any significant „blow" on the state mechanism, which has become „frozen in its inertia". If such contradictions are not resolved, but merely accumulate, we observe not the influence of the sought-after „constants" of geopolitical resilience of the state's national security, but rather *the manifestation of the dysfunctionality of the socio-political environment within the state*, which is unable to cope with the need to overcome contradictions, the delay in resolving which creates a threat to the state's national security.

Theoretical and methodological background of the research

Methodologically, to establish the sought-after „constants" of geopolitical resilience of the state's national security, it is advisable to rely on the *civilizational paradigm* [5], in the context of which *the socio-cultural roots of any long-term models of socio-political development within the state* become obvious, oriented towards the acquisition by the state's national security system of resilience in relation to internal and external threats accompanying the development of a particular state in the socio-cultural reality surrounding it, which, despite the high dynamics of current geopolitical processes, helps to see longer-term socio-cultural trends. At the same time, the analysis of various socio-cultural foundations allows us to identify *not static states, but dynamic models of socio-political development* that correspond to the „civilizational code" of the national community that constitutes the social foundation of the state and are the „fulcrum" that is capable of imparting relative stability to the sphere of national security of a state involved in a dynamically changing current geopolitical reality.

Some of the bearers of the socio-cultural foundations of socio-political development within any state as a political and legal entity are the legal institutions, norms, values, and traditions that form the „core" of the state's national legal

system. Considering the interconnectedness of the legal and political spheres of society, we can assume that, *like the law of communicating vessels, the sustainable development of a state's legal system can also contribute to the sustainable development of its political system*, including ensuring the geopolitical resilience of the state's national security. It can also be said that *the sustainable development of a state's legal system creates the legal conditions necessary to ensure the geopolitical resilience of the state's national security*.

A conceptual model of sustainable legal development, civilizationally close to Moldova's, can reasonably be considered a model for the sustainable development of a state's legal system applicable to the analysis of the legal conditions for the geopolitical resilience of Moldova's national security. *This model, which began to emerge in the development of the legal systems of most European states after the end of World War II and which accompanies contemporary processes of European integration, is methodologically crucial*. Determining the functional capabilities of this conceptual model in ensuring the long-term geopolitical resilience of Moldova's national security is crucial.

The relationship between internal and external functions of a sustainably developing legal system in ensuring the geopolitical resilience of the national security of the state

In order to determine the functional capabilities of the conceptual model of sustainable development of the legal system in ensuring the geopolitical resilience of the national security of an individual state, it seems necessary to pay attention to *the relationship between the internal and external functions of the components of this model, explaining the internal logic of the functioning of a sustainably developing legal system, forming the „systemic effects" that underlie the „systemic responses" to factors that threaten the preservation of the legal system's integrity and functionality in interaction with the external environment, including various geopolitical factors*.

The system-structural and functional analysis [6] conducted within the framework of our study allowed us to further establish the main internal and external functions of the four basic components of the conceptual model of a sustainably developing legal system, in identifying which we proceeded from t*he cyclical paradigm of the development of systems of a social nature*, which has received wide recognition in modern social and humanitarian sciences [7]. The use of a cyclical paradigm allowed us to establish four links in the basic cycle of the sustainable development of a legal system, formed by the interactions of the main components of its conceptual model, during which the components of the legal system perform functions determined by their internal intentions.

The first link in this cycle is the interaction between the spiritual-cultural and organizational components of a steadily developing legal system, during which the organizational component performs its *function of organizing legal interactions* based on the intentions of legal consciousness identified by the spiritual-cultural component. The second link is the subsequent interaction between the organizational component and the normative component, during which the normative component performs its *function of standardizing legal communications*, which is a prerequisite for the subsequent institutionalization of these communications. The third link is the interaction between the normative and institutional components, during which the institutional component performs its *function of institutionalizing legal communications*. And finally, the fourth link is the interaction between the institutional and spiritual-cultural components, during which the spiritual-cultural component performs *the function of identifying the intentions of legal consciousness*, which are ultimately objectified at the level of the legal institutions of society. This final link is again followed by the first link, and the cycle repeats.

In order to establish the external functions of the basic components of the conceptual model of a sustainably developing legal system, we analyzed the features of the connection of these components with the external environment, that is, with the political, economic, spiritual and other spheres of public life, using the example of the development of European legal systems that, after the end of World War II, retained their cultural identity within the framework of the European traditions of continental law, culturally close to the legal system of Moldova.

Our analysis allowed us to identify four groups of patterns in the sustainable development of each component of European legal systems, which contributed to their overcoming the „development gaps" that emerged in the pre-war and war periods. We also established that these groups of patterns were, in fact, manifestations of the very same „systemic responses" that shaped the sustainable development of these legal systems through their interaction with the external environment – that is, manifestations of the external functions of the conceptual model under consideration.

As an external function manifested by the spiritual and cultural component of the legal system during its sustainable development, we identified *the function of reflection of public consciousness* experienced by European society in the post-war period. This was reflected in the humanization of various aspects of socio-political life, accompanied by changes in national and international legal acts affecting human rights and freedoms and other aspects of the legal status of individuals. The legal assessment of crimes against humanity committed during World War II became one of the most important moments in the mass public's reflection on legal boundaries, guarantees, and other legal aspects. The recognition of the absolute value of these, from the perspective of Christian morality, a common European

cultural code, became a necessary condition for certain shifts in post-war public consciousness, which influenced changes in the social, political, and other institutions of European society and affected other countries worldwide.

We identified *the dialogization of social communication* as an external function exhibited by the organizational component of the legal system during its sustainable development. Through this, legal principles inherent in the post-war civil economy, stimulating equal opportunity, competition, and freedom, have permeated deeply from the realm of legal communication into all other spheres of social communication, making the latter more open. Therefore, the subsequent development of information technology did not become the „primary cause" but rather „continued" this already established trend in the social communication space of European society toward openness to dialogue and the receipt of „feedback" from participants in social communication through dialogization.

We identified *the legitimization of social regulation* as an external function exhibited by the normative component of the legal system during its sustainable development. This function created the conditions for various forms and types of social regulation to adopt the legitimization mechanisms characteristic of legal regulation to justify the necessity and appropriateness of introducing new or amending existing social norms. Therefore, changes in the development of legal regulation in post-war Europe were often followed by changes in other areas of social regulation, formed on similar foundations of legitimacy, which, as expected, garnered public approval. In such cases, so-called „anticipatory lawmaking", if it results from the sustainable development of the legal system, is in reality merely a more responsive and rapid „conductor" of real changes in socio-political development, which objectively requires such legal „foresight" [8].

We identified *the democratization of social institutions* as an external function exhibited by the institutional component of the legal system during its sustainable development. Its influence is evident in the post-war development of the European legal systems we analyzed. This function is a natural consequence of the sustainable development of legal institutions of society, directly affecting the establishment and maintenance of a balance of interests between public authorities and civil society characteristic of a real democracy. Such a balance cannot be ensured without effective legal guarantees in the form of independent judicial institutions, a developed human rights movement, and recognition of the jurisdiction of supranational and international structures that define unshakable standards in the areas of human rights, security, and other areas on whose well-being the state of democracy in a given society depends. This function also indicates that, within the framework of the sustainable development of the legal system, legal conditions are created for the maintenance of real, rather than formal, democracy. Without such development, democracy becomes more of a „political screen", ceasing to be a real legal value

for society. At the same time, a steadily developing institutional component of the legal system, which facilitates society's maintenance of its democratic principles and provides impetus for the development of political and other institutions, is *a necessary prerequisite for the ability of existing state institutions to develop based on the „democratic impulses" emerging within society itself*. This makes state and societal institutions less susceptible to external influences that may pose a hidden or overt threat to the interests of the state's national security. All this allows a steadily developing legal system to create the necessary internal conditions for ensuring the geopolitical resilience of the state's national security.

The democratization of societal institutions is also, in a certain sense, a *„cumulative resultant" of all the functional capabilities of a sustainably developing legal system, as it represents the manifestation of the „cumulative systemic effect" of those „systemic responses" that all components of a sustainably developing legal system are capable of generating in interaction with each other and with the external environment*, in relation to which the institutional component of the legal system is a „subject" directly interacting with this environment. This „accumulation" of systemic responses is made possible by the fact that the unity of the components of a sustainably developing legal system is ensured by their internal interactions, which determine how they interact, individually and collectively, with the external environment. In other words, the „mode of interaction" developed by the components of a sustainably developing legal system among themselves within the system also explains the ways in which they interact with the external environment, thereby manifesting the objective determinacy of the external functions of the legal system's components by their internal functions.

Conclusion

1. Achieving resilience within the national security system of a state in a dynamically changing geopolitical context is *a long-term strategy*, the effective implementation of which is only possible with reliance on similar long-term guidelines.
2. The growing popularity of nationalist rhetoric observed today in the socio-political space of European countries indicates that, despite the spread of cosmopolitan trends in mass culture and migration processes in Europe, *the socio-cultural foundations of statehood* still retain their significance and are its fundamental basis, necessarily manifesting itself in the long term, despite opposing geopolitical tendencies.
3. Legal values, principles, customs and traditions, which form the culturally identifiable core of the legal system of any state, represent an integral component of the socio-cultural foundations of statehood, in which *the*

internal constants of the geopolitical resilience of the national security of the state in the long term can be found.

4. The functional capacity of the spiritual and cultural component of a steadily developing legal system *to identify the intentions of legal consciousness*, manifested within the conceptual model under study, also determines the functional capacity of this component, manifested in interaction with the external environment, to create conditions for *the reflection of public consciousness*, thanks to which a critical self-awareness of society is formed, making it possible to diagnose the presence of internal contradictions in socio-political development within the country and to mobilize public consciousness to overcome these internal contradictions, which become a source of threat to the interests of the national security of the state and make the state vulnerable in the face of existing external geopolitical threats.
5. The functional capacity of the organizational component of a sustainably developing legal system *to organize legal interactions*, manifested within the conceptual model under study, also determines the functional capacity of this component, manifested in interaction with the external environment, to create conditions for *the dialogization of the space of social communications*, which provides the „feedback" between participants in the socio-political dialogue within the state necessary for the effective organization of the national security system.
6. The functional capacity of the normative component of a sustainably developing legal system *to regulate legal communications*, manifested within the conceptual model under study, also determines the functional capacity of this component, manifested in interaction with the external environment, to create conditions for *the legitimization of social regulation*, through which social prerequisites are provided for the removal of internal contradictions in socio-political development that „shake" the geopolitical resilience of the national security of the state „from within".
7. The functional capacity of the institutional component of a sustainably developing legal system *to institutionalize legal communications*, manifested within the conceptual model under study, also determines the functional capacity of this component, manifested in interaction with the external environment, to create conditions for *the democratization of social institutions*, thanks to which these institutions receive an impetus for development formed in the process of the internal socio-political process, making the national security system less dependent on external geopolitical factors.
8. Thus, the conducted analysis demonstrates that the *functional capabilities of each component of the conceptual model under study contribute to the*

creation of conditions formed within the legal system (and therefore capable of being called „legal") necessary to ensure the geopolitical resilience of the state's national security in the long term. Furthermore, the common civilizational code and the shared legal values and traditions of the continental romano-germanic legal family linking Moldova's legal system with those of continental Europe allow us to consider the functional capabilities of the conceptual model under study, which became widespread in Europe after World War II and accompanied integration processes in Europe, applicable to ensuring the geopolitical resilience of modern Moldova's national security within the context of pan-european trends in socio-political development.

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