

## POLITICAL CONFLICTS AND MODERN METHODS OF THEIR RESOLUTION IN THE LEGAL FIELD: POTENTIAL AND LIMITATIONS

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The article is devoted to the consideration of modern methods used in the process of resolving political conflicts. The subject of the study is conflict as a political and legal phenomenon. The purpose of the article is to consider legal methods of resolving political conflicts as the most effective and civilized ways to achieve peace.

The following scientific methods were used in the work: system, structural and network analysis, which allowed us to consider the totality of the main modern methods of resolving political conflicts, their potential and limitations. Psychological, philosophical, political and legal approaches were also applied in determining the category of "conflict" and its main characteristics.

The study reveals the features of modern political conflicts, taking into account which the need to consciously approach the search and practical application of certain methods of their resolution is formed. It is emphasized that a special responsibility lies on the nuclear Powers, as well as on the leading world states and international organizations that create and maintain stability and unity of the global space of the modern world.

As the results of this study, the most optimal, effective and rational methods of resolving political conflicts were noted as the most destructive and destructive types of confrontations. Their potential and limitations are highlighted. These methods are in demand in the plane of real conflict-prone realities and do not lose relevance in the modern world. Thus, such methods of resolving political conflicts as the game method, coercive diplomacy, civilizational approach, socio-cultural integration, structural functionalism and the network method were identified and analyzed. Also, legal methods were considered separately, which, according to the results of the study, were recognized as the most fair and consistent for a number of reasons. Among them, negotiations, mediation, arbitration (arbitration), the method of institutionalization of political conflict, political mediation and judicial proceedings are considered. The appeal to legal methods of resolving political conflicts becomes particularly relevant during the wartime period, when the threat of the use of nuclear weapons increases and war crimes are committed.

According to the results of the study, it was concluded that legal methods of resolving political conflicts are the most effective and civilized among others. They are structured, clearly formulated in the form of regulatory legal acts, some of them can be implemented in the form of procedures with mandatory execution of the decision, are politically neutral, are carried out with the support of professionals and based on previous constructive experience.

## 1. Introduction

On the throughout all world stories, rich wars and human tragedies researchers tried to identify and typology of conflicts to they could timely and to effectively resolve a where possible, prevent and even manage them. Thus, conflicts in the twentieth century caused the death of millions of people – according to the most rough estimate, more than 300 people became victims of wars million people [1]. In addition to the two world wars in XX century historians count about 200 large-scale military conflicts [2; 3].

The nature of conflicts is different, but they arise natural way and inevitable in any society. They, as an indicator of contradiction, can even act as a factor evolutionary development and not necessarily must be assessed extremely negative. Many positive functions of conflicts are known, such as group-building, the function of forming and maintaining group identity, the function of a «protective valve» that serves to relieve frustration, aggression and tension, etc.

The conflict can have a positive component and lead to positive results. Tem not less, exist various ways prevention conflicts and opposing them because the in society and in real political practice they often cause feelings of rebellion, anger, disappointment and even social hate. However sometimes avoidance conflict can be more painful and harmful than confronting it and resolving it . After all often at artificial avoidance conflict social and political diseases are only driven inside the public organism.

## 2. Theoretical understanding of the phenomenon of conflict

Majority theorists and experts converge in opinion what must be given conceptual defining conflicts, that is exactly and right define it type of [4; 5]. Such definition is prerequisite for the study of conflicts. Thanks to this, we can explore them further and identify their causes, the goals of those involved in them sides, a also them dynamics and possible permission. The need for this also lies in the fact that the conflict is often very difficult to separate from the crisis, since they lie in the same plane of theoretical issues.

Conflicts today are studied by such social and humanitarian sciences as philosophy, history, sociology, political science, international relations, law, psychology, etc. In the last decades of the twentieth century, a special science has developed – conflictology as an interdisciplinary field of scientific knowledge related to the study of the nature and essence of conflicts at

various levels. Each science approaches the study of conflicts in its own way and has its own established ideas about their specifics.

For example, the theory of conflict in sociology asserts that most public organizations and institutions are in constant conflict with those who want to increase and maximize their benefits. This conflict situation mainly contributes to the state of mobility in society and social development to the maximum extent – up to revolutions and related political events [6]. In turn, the theory of conflict in relation to international relations can contribute to a more correct understanding of the foreign policy of states and their activities in the international arena [7].

Conflictological concepts are the most prominent among current scientific research [8; 9; 10; 11], held after the end of the Cold War, the collapse of the Soviet Union and the expected, according to the theory of Francis Fukuyama [12], the triumph of liberalism and the «end of history» in the 90s of the XX century. Neither the end of history nor the final triumph of liberalism around the world happened, and therefore conflicts remain constant phenomena of social and political life. This actualized the emergence of such theories as the clash of civilizations by Samuel Huntington [13], who believed that a clash between major modern civilizations was inevitable. The problem is that such clashes can take the form of wars and armed conflicts. And this happens in the modern world with frightening regularity.

Conflictology is the science of conflicts. So, professors A. Antsupov and A. Shipilov derives the following definition in his repeatedly reprinted textbook: «Conflictology is the science of the patterns of emergence, development, end of conflicts, as well as the principles, methods and techniques of their constructive regulation» [14, p. 24]. In fact, this and similar definitions are repeated by other interpretations of conflictology that appeared in various textbooks in the late 90s of the XX century [15; 16] and later – up to modern works [17; 18]. So, conflictology is a systematically formalized knowledge about the patterns of occurrence and development of conflicts, about the basic

principles of managing them.

Doctor of Psychology A. Antsupov and doctor of sociological Sciences S. Proshanov compiled an index of dissertations «History of the national conflictology» [19] – work, where presented interdisciplinary bibliographic index of 1762 (including 180 doctoral) dissertations on the problem of conflicts defended by domestic scientists from 1949 to 2017. All this testifies about relevance of problems of conflicts, which the authors believe the main threat to Russia's security.

In the literature on conflicts, there is a rich palette of theoretical definitions of the very concept of conflict [20; 21; 22; 23; 24; 25; 26]. As part of a review of some of the linguistic definitions contained in dictionaries and special reference books, the definitions usually define conflict as a phenomenon referring to «a state of discomfort or psychological stress resulting from the opposition or incompatibility of two or more desires or needs of an individual or group»<sup>1</sup>.

The term «conflict» going on from Latin communion *conflictum* («collided»), formed from the verb *confligere*. From Latin through impact French (*conflit*) this word came into use during all contemporary European languages (German *der conflict*, english *conflict*, Spanish *conflicto*). In general, etymologically, we can characterize a conflict as a dispute, a fundamental divergence in social positions, a political disagreement, an armed clash or a war. The main meanings of the term «conflict» cover situations in which violence is used, there is a struggle between two parties, or in which thoughts, feelings, opinions, ideals, etc. are in conflict.

The conflict is defined precisely as a difficult situation, that is, a complex reality in which subjective and objective elements of reality are closely intertwined. Psychologists – both domestic and foreign – have created many classifications of such situations. For example, the famous Belarusian scientist, Doctor of Philosophy E. Babosov in his work «Disasters: sociological analysis» identifies simple, crisis, extreme and catastrophic situations [27]. Doctor of Psychology, Professor A. Kocharyan considers simple, difficult and extremal ones [28]. Let us give the definition of a «difficult situation» given by the psychologist B. Shvedin: «interaction of a person with a complex environment in the process of activity» [29, p. 32]. In essence, if we change the word «personality» in this definition to «society», «social group» or even «state», then such a definition or similar ones can serve as a universal algorithm for defining

difficult situations.

Note that B. Shvedin once proposed the idea of a system-situational analysis of activity, which formed the basis of a system-situational analysis of the conflict. When applying this analysis, the conflict is considered as a dynamic system due to social causes, not reducible to the sum of its constituent elements. The properties of conflict elements are determined by their place in this structure. In fact, the researchers use here the old philosophical maxim that the whole is never identical to the simple sum of its parts.

From a psychological point of view, the concept of conflict refers to «a situation in which an individual has a motive to engage in or participate in two or more activities of a completely opposite nature» [30, p. 154]. It emphasizes the importance of the concept of conflict for understanding issues related to the ability of the individual to adapt to society. In the domestic literature, the first attempt to systematize different areas of the study of conflicts in psychology was made in the study of R. Krichevsky and E. Dubovskaya [31].

In general, domestic psychologists define conflict as «a collision of oppositely directed, incompatible tendencies in the mind of a single individual, in interpersonal interactions or interpersonal relationships of individuals or groups of people, associated with acute negative emotional experiences» [32, p. 54]. To use a more concise definition, conflict is the lack of agreement between two or more parties.

Analyzing the conflict from the standpoint of legal science, it is worth noting that it is transferred to the legal plane in the event that the law is violated. At the same time, the legal conflict itself is in some way a secondary phenomenon, the meaning of which is to resolve, on the basis of legislative norms, conflicts that have arisen in the sphere of family, labor, economic and other relations [33, p. 315]. This means that the conflict can be both initially legal (over the interpretation of legal norms, contradictions between a legal norm and law enforcement, etc. – a narrow approach), and non-legal, but later transferred to a legal plane (broad approach). Such conflicts always entail legal consequences.

At the same time, it is important to note that the legal method of resolving the conflict is a sign of a developed state, in which the issues of regulating various social and state relations have

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<sup>1</sup> Conflict Resolution. URL: <https://www.maxwell.syr.edu/uploadedFiles/parcc/cmc/Conflict%20Resolution%20NK.pdf>. ( Date circulation : 02.04.2022)  
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been worked out to the maximum. And if the law does not cope with its mission for various reasons (from the imperfection of laws to legal nihilism), the conflict can turn into a forceful confrontation between the parties. Thus, a legal conflict can arise both at the initiative of the subjects of the conflict (at least one of them), and as a result of interference in the conflict by a third party (judicial and law enforcement agencies).

Doctor of Law T. Khudoykina gives the following definition of a conflict from the point of view of jurisprudence (legal conflict) – it is «a confrontation between parties with conflicting interests, which is of a legal nature or has at least one component (subjects, object, subjective side (motivation), or objective side (opposition)) of a legal character» [34, p. 115]. Legal conflicts are divided into different types, for example, by branches of law: civil, administrative, constitutional, criminal, family, labor, etc. An important condition for the emergence of a legal conflict is the presence of two mandatory elements: contradictions and interaction of the parties over this contradiction [35, p. 68].

So, a legal conflict is «a confrontation between subjects of law in connection with the application, violation or interpretation of legal norms» [36, p. 146]. At the same time, this type of confrontation can be considered the most civilized way to resolve conflict relations that have arisen.

Philosophy deals with a wide variety of conflicts, but unlike psychologists, philosophers – especially social philosophers – prefer to emphasize the social aspect. Here is a typical definition of conflict, given from a general philosophical position: «Conflict is a concept that means the confrontation of opposites, the fundamental principle of natural and social interactions. Antagonistic and non-antagonistic conflicts are a characteristic of the maturity of various spheres of experience: faith, knowledge, morality, art, politics and government» [37, p. 166].

In many respects, the positions of domestic and Western scientists coincide. Thus, Mitya Senknecht, a researcher at the Department of Global Management at the University of Münster, in her monograph «Delimited Conflicts in the World Society» defines a conflict as a situation in which a certain community (tribe, ethnic group, ideological group or state) or an individual is in a conscious and purposeful dispute with one or several groups or individuals [38]. Conflict is a struggle for certain values associated with maintaining or increasing wealth, social status or political power. Opponents of these values try to neutralize, injure or eliminate their rival or rivals.

Foreign researcher Gordon Bert in his work «Conflict, complexity and mathematical sociology»

considers conflict how social reality, in which oppose how minimum two sides (individuals, groups, state), having mismatched views on certain facts or different, conflicting interests. Thereby, conflict is a situation in which at least two parties seek to obtain the same benefits that they lack. These missing goods cannot satisfy the needs of both (or all) sides [39].

Some scholars define conflict as a state in which one or two (or more) human and communities feel what their interests are incompatible [40]. The parties usually have an antagonistic relationship with each other, which they demonstrate, trying to cause another side deliberate harm. They strive to uphold their own interests, rendering destructive influence on the other side of the conflict.

The conflict is a certain quality of relations between units of the social environment – the parties involved, which can be represented by individuals, social groups, states or a coalition of states. These relationships are manifested in the efforts of these involved parties to promote individual needs, achieve their own interests and goals against the wishes of their opponents and at their expense [41, p. 238].

In the political dimension, the conflict refers to a specific competitive position, the parties or participants of which are aware of the incompatibility of current or possible future views [42, p. 157]. The parties to the conflict are either obliged to accept any of them, or take a position that is incompatible with the potential interests of the other party or other parties involved. Thus, a political conflict should be understood as a variant of «competitive interaction of several parties (groups, states, individuals) striving for the conquest, subsequent distribution and retention of power resources» [43]. Thus, political conflicts always arise about power and power.

### **3. Methods for resolving political conflicts: game method, coercive diplomacy, civilizational approach, sociocultural integration, structural functionalism and network analysis**

It is worth noting that for any conflict, all stages of research are of great importance, starting from the classification of each specific conflict, determining its goals, participants, and ending with the search for ways to resolve it. At the same time, it is the choice of a strategy for

ending the conflict that subordinates all other actions for its study, thus, a detailed study of the conflict is always aimed at finding ways to resolve it, manage it. It is the implementation of this task that modern science pays special attention to.

The technologies for resolving political conflicts are very diverse, and rich practical material contributes to their further development. In practice, both time-tested methods and newly emerging ones are used. Thus, within the framework of this study, the following methods will be considered that are used in the process of resolving political conflicts of our time: the game method (method of game modeling), «coercive diplomacy», civilizational approach, socio-cultural integration, structural functionalism and network analysis. And also legal methods in conflict resolution will be considered separately as the most civilized and optimal. There are many other ways to resolve political conflicts, but the methods presented here most characteristically express the specifics of the course of modern political conflicts and demonstrate ways to improve the technologies used to resolve them.

So, the game method came to political science from mathematics. Initially, its main meaning was to use it to solve applied problems in various fields. With varying success, game theory settled in the field of finding ways to resolve political conflicts. Despite the presence of high potential, the main difficulty in using the game analysis method is that «none of the mathematical theories is capable of providing a full-fledged modeling and analysis of social, political, psychological and other conflicts» [44, p. 22]. Also, an additional limitation in this case is the focus of game analysis on finding rational ways to resolve conflicts, which is not always the difference between political conflicts and the motives of their participants. Cumbersome calculations are an additional complexity for the researcher, since the number of strategies of the participants in a political conflict increases depending on the number of actions that they can take.

At the same time, it is not possible to unambiguously identify the number of its participants in any conflict. For example, the Caribbean crisis of 1962 is a conflict with clearly defined participants, goals and possible strategies of behavior, it can even be called a textbook example (sufficient knowledge, demonstrative actions of participants, their certain number, etc. factors). However, modern conflicts that have signs of hybrid wars often do not have a clear number of participants, their goals and unambiguously fixed actions, which significantly complicates the use of the game method in the study of political conflicts.

Game modeling of a political conflict is also difficult in the sense that it requires the unification of the efforts of

researchers from different scientific fields – political scientists, conflictologists, mathematicians and technical specialists, and this is often difficult to provide.

The undoubted advantage of game-theoretic modeling of a political conflict is its clarity, rigor of analysis, a specific list of possible outcomes, and focus on a rational choice. At the same time, in the context of modernity, game methods are of particular value in the practice of resolving an asymmetric conflict, which are especially relevant and difficult in the current political reality from the standpoint of finding positive outcomes. Thus, the study of the war in Afghanistan by MGIMO employees of the Ministry of Foreign Affairs of Russia A. Teteryuk and Y. Chizhevsky [45] using game-theoretic modeling clearly demonstrated the inconsistency of the classical model developed for the applied study of asymmetric conflicts of the 21st century by H. Gabbulloev, J. Piazza and T. Sandler [46]. According to this model, the intensification of terrorist activity of the least resourceful side of the conflict leads to the activation of the counterterrorist policy of the most resourceful adversary, which ultimately leads to a decrease in the number of terrorist attacks. However, the game analysis carried out by the above-mentioned researchers and based on the extensive empirical material of the military events in Afghanistan in the last decade showed the following trend: terrorist activity intensifies as a reaction to the growing intensity of counter-terrorist actions, while the study did not show an inverse relationship.

It is worth noting that this is a very valuable discovery for practical research on asymmetric conflicts of our time. Indeed, the events of August 2021 in Afghanistan demonstrated the failure of the classical model, according to which the United States, with due diligence, could inflict irreparable damage to the Taliban. On the contrary, the game method made it possible to reveal the essence of an asymmetric conflict, in which often a resourceful, strong side-participant has a less advantageous position that can lead to a final loss.

In our opinion, the main limitation of game modeling when searching for the optimal solution for a way out of a political conflict is that it is effective for evaluating already adopted strategies, but difficult in the context of an ongoing conflict.

Another way to resolve political conflicts, different from the traditional ones, is the so-called coercive diplomacy, the founder of which is the American political scientist A. George. The main instruments of coercive diplomacy are an ultimatum, the threat of force and sanctions [47, p. 38]. Before the events that began on February 24, 2022 on the territory of Ukraine, initiated by the Russian Federation, called the special military operation to denazify and demilitarize Ukraine, the situation with the DPRK was a classic example. Now coercive diplomacy is being actively applied to Russia, which, however, responds in kind. In just a week from the beginning of this military operation, the Russian national currency has significantly depreciated against the dollar and the euro. This planned action of the Western world is aimed at delivering a tangible blow to the domestic economy in the long term.

The strengthening of the ruble in the period after its strongest weakening was facilitated by a number of measures taken by the Russian authorities to maintain the national currency. So, in March 2022, the Central Bank of the Russian Federation set a commission of 12%, which brokers were required to take from individuals buying foreign currency. Additionally, restrictions were imposed on the issuance of currency in one hand in the amount of 10 thousand dollars. Also, one of the measures that had a positive impact on the position of the ruble is the Decree of the President of the Russian Federation, according to which it was prescribed «residents participating in foreign economic activity to carry out the mandatory sale of foreign currency in the amount of 80 percent of the amount of foreign currency credited starting from January 1, 2022»<sup>2</sup>. That is, the state obliged resident exporters to actually get rid of foreign currency. And, perhaps, the most significant event against the backdrop of Russia's special operation in Ukraine was the decision of V. Putin to transfer the payment for natural gas from Russia into the national currency, that is, into rubles<sup>3</sup>. Thus, the introduced

measures of a political, economic and legal nature contributed to the prevention of a further collapse of the ruble.

The events since February 2014, which some modern researchers call the EU and US sanctions war against the Russian Federation, allow us to analyze all the possibilities and limitations of coercive diplomacy. It led to the announcement by Russia of mirror sanctions, which in turn hit the European economy very painfully.

Some scholars rightly question the effectiveness of coercive diplomacy as a method of settling political conflicts, since sanctions and threats of force often cause less damage than the refusal of the initiator of the conflict from his goals. This conviction is demonstrated by the Russian authorities in the current situation, making it clear that they were ready for such a reaction from the United States and Europe. Moreover, the diplomacy of coercion has a delayed effect, the effect of which can already come when the conflict itself is resolved in other ways, and becomes irrelevant.

In the 21st century, the method of civilizational analysis has gained particular demand in the process of studying political conflicts in the field of interstate interaction. Conflicts on the boundaries of civilizational faults are the most acute, intractable, fundamental, in the 21st century they are mixed with the features of hybrid wars, which complicates the process of their course and contributes to the formation of a complex composition of participants [48, p. 38]. In fact, such conflicts have the same long history as their participating countries. For Russia, this is relevant throughout the history of the formation and development of the state. And the presence in each of the civilizations of the simultaneous desire for self-preservation and the enslavement of other civilizations provokes inter-civilizational conflicts. According to Professor S.G. Kiselev, who uses a civilizational approach to assess the state of the international situation, modern Russian civilization is experiencing expansionist pressure from neighboring civilizations that demonstrate dynamic development in a number of indicators, thereby ahead of Russia [48, p. 40].

Ensuring regional security is one of the key tasks in the overall system of international security. Ethno-political conflicts often become a

<sup>2</sup>Decree of the President of the Russian Federation of February 28, 2022 No. 79 «On the application of special economic measures in connection with the unfriendly actions of the United States of America and foreign states and international organizations that have joined them» // Official Internet portal of legal information [website]. URL : <http://publication.pravo.gov.ru/Document/View/0001202202280049> (date of access: 04/28/2022).

<sup>3</sup>Decree of the President of the Russian Federation of March 31, 2022 No. 172 «On a special procedure for the fulfillment by foreign buyers of obligations to Russian suppliers of natural gas» // Rossiyskaya Gazeta [website]. 1 Apr. 2022. URL : <https://rg.ru/2022/03/31/prezident-ukaz172-site-dok.html> (date of access: 04/28/2022).

source of violation of security in a particular region of the world, which require constant actions to resolve them. One of the effective methods in this kind of conflict is socio-cultural integration. It is this strategy of resolving ethno-political conflicts, which, as a rule, are seriously extended in time, is capable of ensuring the value-political consolidation of «multi-ethnic and multicultural communities» [49, p. 190]. The main challenge here is to prevent the escalation of tensions through a fundamental transformation of the values in society that initiated attitudes that encourage antagonism and discrimination. In other words, the technology of social integration is feasible only if the former socio-political values and attitudes are translated into liberal-democratic guidelines. The same applies to the authorities / power institutions in a particular territory.

Ethnopolitical conflicts carry a special destructive potential (due to the territorial claims of neighbors to each other, their desire to restore historical truth, and many others), therefore, they require special attention not only – and not even so much – at the escalation stage, but also in relatively peaceful time. So, another scientific approach to resolving modern ethno-political conflicts is structural functionalism, which, however, according to the lawyer I. Aminov, loses its effectiveness in the rapidly changing conditions of development of hotbeds of modern ethnopolitical conflicts due to lack of universality, and it is replaced by a variety of transformational technologies for resolving ethnopolitical conflicts [50].

In modern conditions of transformation and complication of the system of international relations, and, first of all, due to the increase in the number of political actors, the network approach has become a powerful tool for analyzing political conflicts. The network approach allows us to consider political processes at the global level, without losing sight of the multidirectional actions of both states and actors within the state (from bureaucracy, business, regions to civil activists, etc.), and non-state actors with interests that go beyond the state borders (for example, TNCs, non-governmental organizations, etc.).

In political science, networks are considered as a certain way of organizing and interacting actors, which differs from simplified hierarchical models that reflect linear connections, often formal and not identical to real relationships between actors. Here, the emphasis is not on the participants, but on their relationships, and this has made network analysis one of the main tools in modern political research. At the same time, the network approach to the analysis of interstate political conflicts began to be applied only in recent years [51].

The theory of political networks and network analysis

were initially and quite successfully used to describe how and by whom decisions are made, when there are formally many participants in this process and decision-making procedures are not systematically distorted. Of course, there are also organizations at the level above the states where decisions are made in accordance with procedures similar to those used, for example, in national legislatures. However, international relations and world politics, due to the participation of many actors with different statuses, are a much more complex reality.

This method is currently under active implementation, so there is currently a search for additional tools for the analysis of political conflicts in the framework of the theory of political networks. Thus, a group of Russian researchers (F. Aleskerov, M. Kurapova, N. Meshcheryakova, M. Mironyuk, S. Shvydun) proposed using a new index of influence (SRIC) in the network analysis of international conflicts, which makes it possible to take a fresh look at the actors of conflicts and their relationships, since it allows taking into account the indirect influence of states that are not the primary parties to the conflict [52].

#### **4. Legal methods for resolving political conflicts**

Speaking generally about conflicts, it is worth noting that they all have a number of similar features and characteristics (in terms of participants, goals, functions, etc.). However, perhaps the most destructive in terms of severity, scale of destructive consequences, duration (some nations live in a state of permanent tension and even war for centuries) and intensity are political conflicts provoked by ethno-national contradictions [53]. It is these conflicts that can transform into riots, civil wars, separatist actions, which carry a significant destructive potential for the state, its stability and sovereignty. At the same time, even the most violent conflict can and should be placed within a legal framework for its resolution or management.

It must be clearly understood that the legal plane of conflict resolution does not aim to defend and protect the political (internal or external) interests of the state / other actor in front of the enemy. According to the fair statement of the Doctor of Law, Professor A. Klishin, «the courts are generally not suitable as

foreign policy agents, since they are called upon to serve the law, and not foreign policy» [54, p. 60]. That is, the protection of the law, the restoration of the violated right, as well as the elimination of gaps and inconsistencies in the current legislation is the key task of resolving conflicts from a legal point of view.

That is why a special place in this issue is occupied by the consideration of legal methods for resolving political conflicts, which should not leave the legal plane. There are several alternatives for resolving political conflicts, the legal alternative involves a peaceful solution. So, here we can single out negotiations, mediation and arbitration (arbitration) [55, p. 118].

Perhaps the most effective way to resolve political conflicts by legal means are negotiations. This applies to conflicts of various directions, levels and intensity. Negotiations, firstly, make it possible to identify the interests and positions of the parties on the merits of the dispute that has arisen; secondly, they help in the course of the discussion to implement the positions indicated by the parties; thirdly, they are aimed at harmonizing the points of view of the parties to the conflict [56, p. 188].

The negotiation process goes through several stages: preparation, negotiations themselves and the conclusion of an agreement. At the same time, a researcher from Bar-Ilan University in Israel, Amir Schiff rightly notes that the best option would be to conclude a written contract [57]. And this is justified. However, the conclusion of even a written agreement does not guarantee its steady implementation by the signatories. Thus, Moscow repeatedly recorded violations of the Minsk agreements<sup>4</sup> by Ukraine, both during the special operation to demilitarize and denazify Ukraine by the Russian Federation, and during the special operation itself. These violations look like disrespect for both the very procedure of the negotiation process and its results. Also, a discrediting factor in the negotiation process as a way to resolve the conflict is the issuance of ultimatums by Ukraine (for example, the President of Ukraine announced that the negotiation process between the two countries would come to an end in the event of the complete destruction of the Azov fighters barricaded on the territory of the Azovstal plant near Mariupol<sup>5</sup>). Such threats only confirm the needlessness of negotiations for

the Ukrainian side as, perhaps, the only way, if not to completely resolve the armed conflict, then at least to keep it within the legal framework.

Also a very effective legal way to resolve a political conflict is mediation, in which a neutral third party helps to find an unbiased solution to an acute problem. Depending on the level of the political conflict, such subjects as conciliation commissions, conflict managers, authoritative politicians, individual states (if the conflict grows to interstate scales) can be chosen for the role of a mediator. Thus, the 1907 Hague Convention spelled out the possibility of countries to resort to the procedure of good offices and mediation, if necessary<sup>6</sup>.

Arbitration or arbitration is an alternative to litigation, when the conflicting parties voluntarily agree that the conflict between them will be settled by an arbitrator of their choice. It is worth noting that the arbitrator must always adhere to the letter of the law: comply with the norms of national and international legislation. The difference between arbitration and mediation is that the arbitrator's decision is binding on the parties to the conflict, while the mediator's decision is advisory and non-binding.

Arbitration is applicable both domestically and internationally. For example, the International Court of Justice performs the function of an international arbitrator. First of all, this organization was created in order «to eliminate the need for the creation of special judicial bodies to resolve each individual dispute that can be resolved by arbitration»<sup>7</sup>.

At the domestic level in a democratic state, the people can act as a kind of arbiter [58, p. 187]. Indeed, elections and referendums on various issues are a form of arbitration. At the same time, it should be noted that public opinion, as an arbiter, plays the role of both an advisory arbitrator and a mandatory one. There is a referendum without legal consequences, it is advisory in nature, it can be perceived as a kind

<sup>4</sup>A set of measures to implement the Minsk agreements // Official network resources of the President of Russia [website]. Feb 12 2015. URL : <http://www.kremlin.ru/supplement/4804> (date of access: 29.04.2022)

<sup>5</sup> Zelensky named the condition for terminating negotiations with Russia // RBC [website]. 16 Apr. 2022. URL : <https://www.rbc.ru/politics/16/04/2022/625ae4909a794712a65062a2> (date of access: 04/29/2022)

<sup>6</sup>Convention for the Peaceful Settlement of International Conflicts (The Hague, October 18, 1907). Art. 2-8. // Reference and legal system "Garant" [website]. URL : <https://base.garant.ru/2540203/5ac206a89ea76855804609cd950fcaf7/> (date of access: 1.05.2022).

<sup>7</sup>International Court of Justice // United Nations Organization [website]. URL : <https://www.un.org/ru/icj/info.shtml#five> (date of access: 1.05.2022).

of public opinion poll. But there are referendums with legal consequences, the results of which form the basis of legal documents. For example, such was the referendum on the adoption of the Constitution of the Russian Federation in 1993, as well as the referendum on the entry of Crimea into Russia in 2014, that is, on determining the territorial status. For example, the legal document following the results of the referendum on the adoption of the Constitution of the Russian Federation was the Constitution of the Russian Federation itself, adopted by popular vote on December 12, 1993<sup>8</sup>. Elections are also a form of binding arbitration with the people as arbiter.

In the conditions of the Russian legal reality, another way of expressing the will of the people on the most important issues of state importance has appeared – the all-Russian vote, which took place on July 1, 2020 and was devoted to the issue of approving amendments to the Constitution of the Russian Federation. From a legal point of view, this procedure, while having some institutional similarities with the procedures of elections and referendums, is neither one nor the other [59]. Based on the results of the all-Russian vote, Decree of the President of the Russian Federation of July 3, 2020 No. 445 «On the official publication of the Constitution of the Russian Federation, as amended» was issued<sup>9</sup>.

Another legal way to resolve a political conflict, mentioned in the scientific literature, is the method of institutionalizing a political conflict [60], that is, its ordering, the creation of certain «rules of the game». This removes the tension and acuteness of the conflict, and it is placed within the legal framework. In fact, this is the path of reform. In our opinion, the institutionalization of a political conflict is a collective concept regarding the methods of its resolution. In other words, the institutionalization of the conflict is a civilized, peaceful, consensual solution to emerging contradictions. Thus, this includes such political and legal methods of resolving political conflicts as political debates, votes of confidence / no confidence, elections, referendums and much more.

Recently, such a method of resolving a political conflict with the help of law as political mediation is gaining popularity. It is domestic and international. It should be noted that in modern Russia, the institution of mediation has just begun its formation and is mostly spontaneous. However, at the international level, the institution of political mediation has already been legally formalized enough. Thus, the documents regulating the issues of international political mediation include, for example, the UN Guidelines on Effective Mediation Activities (2012), which proclaimed the following principles: ensuring proper training of mediator countries; the consent of the parties; third party impartiality; inclusiveness; national responsibility; adherence to the normative framework and norms of international law; coherence, coordination and complementarity of the actions of a third party; conclusion of quality peace agreements<sup>10</sup>. It should be noted that mediation is a kind of mediation, but is not limited to it.

Political conflicts can also be resolved within the framework of the court. For example, at the level of interstate conflicts, political confrontation can be resolved with the help of the International Court of Justice, which acts as an arbitrator between the parties to the conflict. If we consider the national level, then there is a constitutional litigation. Thus, in the Russian Federation, the Constitutional Court of the Russian Federation deals with the resolution of political conflicts. At the same time, conflicts resolved with the help of constitutional justice bodies have the form of a legal dispute, but are political in content. That is, a legal dispute between authorities arises due to the redistribution of power [61]. For example, the Constitutional Court of the Russian Federation, along with the Supreme Court of the Russian Federation and the Russian parliament, takes part in the procedure for impeaching the head of state, that is, in removing the current

<sup>8</sup>Constitution of the Russian Federation. Adopted by popular vote on December 12, 1993. The Constitution of the Russian Federation of 1993. The original version (valid from 12/25/1993 to 01/13/1996) [Electronic resource] // Constitution of Russia. All editions [website]. – URL : <https://konstitucija.ru/1993/1/> (date of access: 07/19/2022).

<sup>9</sup>Decree of the President of the Russian Federation of July 3, 2020 No. 445 «On the official publication of the Constitution of the Russian Federation as amended» // ConsultantPlus [website]. URL : [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_356419/](http://www.consultant.ru/document/cons_doc_LAW_356419/) (date of access: 1.05.2022)

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<sup>10</sup>United Nations Guide to Effective Mediation (annex to the Report of the Secretary-General on Strengthening the Role of Mediation in the Peaceful Settlement of Disputes and Conflict Prevention and Resolution (document A /66/811 of 25 June 2012)). – New York: United Nations, 2012. URL : <https://www.refworld.org.ru/category,REFERENCE,UN,,,53722d604,0.html>

President of the Russian Federation from office and depriving the ex-President of the Russian Federation of immunity<sup>11</sup>.

Speaking about wartime, it should be noted that the conflicting parties should adhere to the norms of international humanitarian law, as well as international criminal law in the process of investigating war crimes committed during an armed conflict. During the war period, the civilian population located in the places of warfare needs special protection. We are talking about humanitarian aid, the opening of humanitarian corridors for evacuation, the exclusion of the use of «human shield» tactics from the civilian population, the prevention of military strikes on citizens and civilian objects (the principle of selectivity), etc. [62] International humanitarian law also regulates issues related to prisoners of war, combatants and their status, and many other issues aimed at making military operations orderly, humane, and legally oriented. After all, even in war there are laws, rules and customs that participants must adhere to.

### 5. Conclusion

The political conflicts of the 21st century are distinguished by their dynamism, volatility, global response, asymmetry and extreme unpredictability. Accordingly, the technologies for their settlement should be focused on taking into account and mitigating precisely these parameters. At the beginning of 2022, the attention of the whole world was riveted to the conflict between Russia and Ukraine. How to resolve this political conflict is difficult to answer. At the very beginning of the conflict, the method of coercive diplomacy was activated – mutual sanctions. To use the game method in order to find the most optimal and rational ways out of the conflict, there is not enough data either on the participants or on the possible strategies of the parties (the world is waiting for the occupation of Ukraine by Russia, Russia announces the initial absence of such an intention). At the beginning of the conflict, Belarus acted as a conflict manager, which provided a platform for negotiations between the conflicting parties. At the same time, other states also expressed their desire to become conflict managers, who noted that they were interested in a speedy resolution of the military conflict between Russia and Ukraine. Among such states are Turkey, Israel

and a number of others.

It is possible that this military-political conflict is one of the turns of the civilizational confrontation, which has a long history. Moreover, a specialist in the study of civilizations and their confrontation, Professor S. Kiselev, at the end of the last century, by means of a civilizational analysis, came to the conclusion that Russia is surrounded by unfriendly civilizations from almost all sides.

In any case, the Russian-Ukrainian conflict almost immediately acquired international significance, and therefore it is necessary for the entire world community to look for ways to resolve it. Here it is important not to miss legal opportunities to resolve this armed confrontation and not rely solely on the economic blockade of the enemy, superiority in the information war, demonstration of military force and combat equipment. The potential of international law, as well as the national law of countries participating in an armed conflict, is sufficient to not only punish wartime crimes, but also prevent a significant part of them, especially those committed against the civilian population.

The ways of resolving and resolving political conflicts of our time considered in this study demonstrate the importance of taking into account their features. As before, it is important to take into account the causes of the conflict, its participants, their possibilities, etc. However, the choice of a way to resolve political conflicts should be based on the fact that the modern world is a «global village» (according to Marshall McLuhan). And it is important to prevent this «village» from being destroyed, for example, by a nuclear war.

<sup>11</sup>"Constitution of the Russian Federation" (adopted by popular vote on 12/12/1993 with amendments approved during the nationwide vote on 07/01/2020). Art. 93. // ConsultantPlus [website]. URL : [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_28399/d40ad6c70a3e080b59df888b843b59bc37ad5581/](http://www.consultant.ru/document/cons_doc_LAW_28399/d40ad6c70a3e080b59df888b843b59bc37ad5581/) (date of access: 05/01/2022).

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