

## CRIMES AGAINST STATE POWER AS FUNDAMENTAL VIOLATIONS OF THE PRINCIPLE OF CITIZEN'S LOYALTY TO THE STATE: SOME OBSERVATIONS

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### Abstract

*The scientific issue of this article is the analysis of crimes against state authority as bases for revocation of citizenship of Armenia. In this context, the notion of citizenship has been examined under the angle of social contract, entailing mutual rights, obligations and responsibility between the state and its nationals. The main stress has been made on the national's duty of loyalty owed to the state, which inter alia implies the citizen's obligation to refrain from any action, made against the state or to detriment of the state, including grave criminal offenses against state power.*

*Based on the research done, a thesis has been proposed by the author under which the duty of loyalty, as the core essence of the national's obligations, owed to the state, becomes senseless, if a citizen has committed a crime, directed against constitutional order, security, and (or) sovereignty of the state. Consequently, in such cases, the legal relationship between the state and the national, whose guilt has been proved by the judicial verdict, entered into force, shall be terminated.*

*As under the RA Constitution, termination of citizenship is prohibited, it is proposed to consider the respective amendment which may be included in the draft of the new Constitution, being elaborated now by the specialized body, established by the RA Prime Minister. The next step will be the amendment of the RA Law on Citizenship to add the institute of revocation of citizenship based on the commitment of certain crimes against the state.*

**Keywords:** Citizenship, social contract, duty of loyalty, treason, crimes against constitutional order, state power, revocation of citizenship, Constitution, the RA Law on Citizenship.

## **Introduction**

Crimes against state power are notable for their diversity of dispositions, multifaceted nature, high degree of politicization of goals, and heterogeneity of the individuals involved. The crimes of this type are aimed at disrupting the mechanisms of normal functioning of social relations that underlie the organization and activities of the state and thus pose a particular social danger.

Leaving the study of legal aspects of crimes with the aforementioned specific object to criminal law theorists, it deserves scientific attention to dwell on the possible constitutional legal consequences of those crimes, due to their high degree of politicization.

In particular, this concerns the questionability of legitimacy of further existence of legal relations of citizenship between the perpetrator, who has been convicted for committing a number of crimes against state power, prescribed in inter alia Articles 418-421 and 423 of the Criminal Code of the Republic of Armenia (2021) (treason, usurpation of power, overthrow of the constitutional order, actions aimed at violating the territorial integrity of the Republic of Armenia or renouncing sovereignty, and coercing the highest state institutions: the President, the National Assembly, the Government, or the Constitutional Court) and the state, taking into account the legal bases of the origin of these legal relations, the social and political prerequisites, which determine both the institution of citizenship and the content of the specific “alliance” or “contract” between the state and the citizen arising from it.

Since the current Constitution provides a certain and unequivocal regulation concerning the issue under discussion, in our opinion, the answers to the questions raised in this article, should also be sought in constitutional amendments, especially in the context of the current elaboration of the draft of the new Constitution.

## **The Gist of Relations of Citizenship**

The state and state power are a complex socio-legal phenomenon, the centuries-old theoretical and practical evolution of which currently continues to be tied to the theory of the social contract, from which the contemporary perception of the essence of legal relationship of citizenship also stems.

Accordingly, the state is a socio-political and legal structure, created by mutual consent of people to ensure safe and mutually beneficial social coexistence, by formation of which people alienate the part of their absolute rights and freedoms in favor of that structure, receiving in return guaranteed protection of their reasonably limited rights and security through implementation of the state mechanism, including adoption and enforcement of jointly binding laws and other normative regulations (Nersesyan, 2004).

In its turn, citizenship, as one of the fundamental institutions of the modern liberal constitutional order, is a concept derived from the theory of the social contract, a legal construct that predetermines the latter's scope of action.

Citizenship is defined as a special status that implies legal recognition of a person (by the state) within the country and abroad by establishment of mutual rights and obligations defined by law (Lukasheva, 2009). Moreover, citizenship confers upon a person the highest level of legal protection within the territory of a given state and the opportunity to limit and obligate state authority to ensure his or her fundamental rights, as defined in the Constitution. At the same time, it is the multitude of citizens that collectively becomes the material-anthropological foundation for the existence and functioning of the state and its institutions, without which the state cannot exist. Notably, the famous Convention on the Rights and Duties of States (Article 1), signed in Montevideo, the capital of Uruguay, on December 26, 1933 (League of Nations, 1933), first of all mentions the permanent population among the main criteria of a state. The latter refers specifically to people, who are connected to the state through legal and political relationship – citizenship, the entirety of which is made up of the people of the given state, as the source and bearer of the state's sovereignty.

Citizens are the segment of the population of a given state that constitutes its vast majority and fully enjoys all rights, provided for by the Constitution: personal, political, socio-economic, and cultural. Among these rights, the rights to vote and to be elected, as well as to participate in referendums, stand out, which, with some exceptions, belong exclusively to the citizens of a given state.

The key moment of the institution of citizenship is the process of mutual empowerment and legitimization of the individual as a member of the political community (polity) and the state, when the citizen forms the highest bodies of state power by his or her vote and thus endows them with unconditional legitimacy, and the state authorities, by proclaiming the right of a person to citizenship, defining the legal conditions for obtaining citizenship and ensuring their fair application, grant the citizen a cornerstone legal status within the territory of the state, which includes not only the rights of the citizen, but also the duties.

The substantive guidelines of the mutual legal relationship between a citizen and the state are defined by the Constitution or, in the absence of a written Constitution, by constitutional laws, as well as is crystallized in judicial practice.

The core of the legal relationship between a citizen and the state is mutual rights and obligations. In particular, according to paragraph 2 of Article 3 of the Constitution of the Republic of Armenia (2015), respect and protection of

the fundamental rights and freedoms of a human and citizen are the duties of public authorities.

Pursuant to paragraph 3 of the same article, public power is limited by the fundamental rights and freedoms of a human and citizen, as a directly applicable right.

In its turn, Chapters 2 and 3 of the Armenian Constitution define the fundamental rights and guarantees that the Republic of Armenia undertakes to ensure for its citizens.

The following circumstance is noteworthy here: the recipients of constitutional rights are, in general, not only the citizens of a given state, but also other persons under the jurisdiction of the state. The difference between the latter and citizens, however, lies in the fact, that the state is limited and bound by the rights of citizens, regardless of territorial and temporal boundaries, and that only citizens of a given state are the recipients of (political) rights, that are of key importance for the formation and functioning of the state (rights to form national elective institutions and participate in referendums, rights to be elected and to enter public service, the right to form political parties and join them, etc.). In other words, citizens are recognized by the state as full subjects of state-legal relations (Shahbazyan, 2016).

In particular, according to paragraph 8 of Article 47 of the Constitution of the Republic of Armenia (2015), citizens of the Republic of Armenia outside the borders of the Republic of Armenia are under the protection of the Republic of Armenia, based on international law. This constitutional provision is detailed in Article 7 of the RA Law “On Citizenship” (1995), according to which, citizens of the Republic of Armenia outside the Republic enjoy the protection and patronage of the Republic of Armenia.

The Republic of Armenia, the diplomatic service bodies of the Republic of Armenia and their officials are obliged to protect the rights of citizens of the Republic of Armenia residing in other states, as well as to take measures to restore their violated rights in accordance with the legislation of those states and international treaties.

Instead, persons who are not citizens of a given state, as a rule, benefit from the legal system of that state by virtue of their presence on its territory, while at the same time not having the above-mentioned political rights.

The same logic applies to constitutional obligations: the latter bind a citizen unconditionally and to the full extent, while stateless persons or persons, holding the citizenship of another state, are bound by them as a result of being under the jurisdiction of that state and not to the full extent.

In particular, persons who are not citizens of a given state have no obligation to participate in the defense of the state, including mandatory military service.

The system of citizen's constitutional duties is constructed, using a deductive method, i.e., defining the duty to respect the legal order and obey the decrees of the state as a fundamental duty of a general nature, while the remaining duties are branches and particular manifestations of that basic duty. The aforementioned obligation, in essence, also extends to persons who are not citizens of a given state, but mainly as long as they are within the territorial jurisdiction of the state (Zhadan, 2017)

In addition, the scope of a citizen's constitutional duties is more comprehensive and relates, in particular, to the obligation to refrain from committing certain crimes, which has a special subject – only the citizen of a given state. One of such crimes is treason.

We find that the constitutional obligation of a citizen to respect the legal order and laws of the state is one of the key aspects of his or her status in legal relations with the state and is summarized in the concept of loyalty.

In essence, the legal order and laws of a state are the “pipes” through which the authority of the state and state power “flows,” therefore, to submit to the legal order of a state means to accept the authority of the state and state power and to be loyal to it (Dan-Cohen, 2012).

The duty of loyalty to the state, corresponding to the citizen's duty to demonstrate law-abiding behavior, is, however, deeper and more comprehensive in nature, encompassing not only the legal and political, but also the historical-philosophical aspects of the issue.

The principle of loyalty to the state and government in its current form is an evolutionary manifestation of the relations between serf and feudal lord, vassal and suzerain, dating back to feudal times.

In the first case, the serf lived and worked on the landlord's plot and received security of life and protection from him in return for his conscientious service. In case of a vassal and a suzerain, the vassal recognized the supremacy of the suzerain, had certain obligations to him: tax, military, etc., and in return received recognition of his subjectivity and comprehensive protection (Hostovsky Brandes, 2018).

In the same way, now a citizen, by fulfilling his duties to the state, receives protection from it, as well as guarantees of public order, security, and his or her vital rights. In other words, loyalty or allegiance, both in feudal times and now, in case of the institution of citizenship, is an act of recognition of the authority of the government, in return to which a person receives state protection of life, property, security, and other basic rights.

Of course, the citizen's loyalty to the state, as a fundamental commitment, arising from the social contract, also has pronounced moral and psychological aspects, which are no less important. The citizen's loyalty to the state means, that the citizen undertakes not to harm the state, its structures, national interests

and security intentionally, since the stability and security of the state are aimed at the security and well-being of every member of society and, in general, are one of the vital prerequisites for the existence of a political community, the state, meaning, that each citizen has the reciprocal obligation to express positive attitude to the state.

Citizens must demonstrate adequate devotion to the state, which must at least be expressed in refraining from taking any action against the state, be it a crime, a misdemeanor, or other unlawful behavior. This comes from the idea, stemming from the theory of the social contract, that the state is a common good, consequently, the harm caused to it is a harm caused to the entire society, the community of citizens, and the danger, targeting the state is a danger threatening all citizens.

It is worth mentioning, that both in the Middle Ages and today symbols of recognition and “submission” to the legal order of the state have unique importance, and acts of loyalty to the state have the status of custom and ritual, such as, for instance, official ceremonies of honoring the state flag and coat of arms, playing the state anthem, placing the state flag on state institutions, etc.

The institution of loyalty to the state also has a cultural dimension. A number of authors, presenting the state as the political embodiment of a cultural or national community, consider the loyalty of citizens to their state as a component of citizens’ identity and self-esteem (Hostovsky Brandes, 2018).

In this context, it is noteworthy that a citizen’s loyalty to the state is often associated with representatives of the titular nation of that state, while foreigners can be problematic from a state perspective, regardless of being a citizen of the given state (Hostovsky Brandes, 2018). A vivid example is the Arab citizens of Israel. In other words, there is a tendency to condition the duty of loyalty of citizens to the state by the ethnic factor, which, of course, contradicts the essence of the institution of citizenship.

No less important is the moral and psychological aspect of the citizen-state relationship, which is manifested or at least should be manifested by the mutual duty of care (also known in corporate law): state policy should be aimed at creating the necessary conditions and prerequisites for the material well-being of citizens, social support for vulnerable groups, continuous improvement of the coverage and quality of public services, and so on, and citizens should relate or at least associate their vital activity with the vision of strengthening and empowering the state, that is, carry out publicly beneficial activities, which, first of all, mean law-abiding behavior (Hostovsky Brandes, 2018).

At the same time, both the state and the citizen should be guided by the principle of “do no harm”, on which the normative complex of mutual rights and obligations should be built.

### **Incompatibility of Certain Crimes against State Power with the Constitutional Status of Citizenship**

In the previous section of the article, the multi-component nature of the legal relationship of citizenship was briefly analyzed, which includes legal, political, and moral-psychological aspects of state-citizen relationship.

It is important to emphasize that the legal relations of citizenship are constitutional in nature, that is, they have primacy over those legal relations that arise on the basis of the regulations, derived from the Constitution, which to a greater or lesser extent relate to the specific aspects of state-citizen legal relations. It should not be forgotten, that the legal norms, regulating these legal relations, are primarily aimed at the “localization” of the norms of the Constitution and disclosure of their normative content, including the definition of positive or negative legal consequences for various manifestations of citizenship relations.

In light of the above, it is of significant importance how the legal consequences of practice, that significantly disrupts the legal relations of citizenship, are regulated by current legislation. For the state the legal consequences of such unconstitutional behavior are relatively certain: the state is represented by its authorized representatives, state officials, whose unlawful behavior is subject to criminal, administrative, disciplinary or civil liability, as well as the state, may be legally obligated to pay a civil penalty to the victim of the violation. Moreover, taking into account, that the state’s obligations towards its citizens are comprehensive and constitute the main meaning of the state’s existence, practically any violation, committed by the state, contains behavior inconsistent with the relationship of citizenship.

The situation is different in case of citizens, who are ideally the founders and beneficiaries of the state and, as a result, their rights towards the state outweigh their obligations, therefore, an individual or targeted approach can and should be taken to the adverse legal consequences that may arise for their violation

Coming to the subject at hand, it is worth noting, that the principle of a citizen’s loyalty to the state, by definition, excludes any illegal action against the state, including and especially the commission of a crime. Moreover, taking into account not only the legal-political, but also the moral-psychological aspect of citizen-state legal relationship, it is obvious, that criminal encroachment on the state implies neglect and violation of the citizen's moral duty towards the state and state authorities, by which the citizen, who committed the crime, shows, that well-being, security, and even the existence of the state of his citizenship are be of no concern to him or her.

The Criminal Code of the Republic of Armenia (2021) contains crimes of such a flagrant anti-state nature, that their commitment by citizens of the

Republic of Armenia in itself testifies to denial of mutual legal ties with the Republic of Armenia.

We find, that these crimes are at least the following, defined in Articles 418-421 and 423 of the Criminal Code of the Republic of Armenia (2021): treason, usurpation of power, overthrow of the constitutional order, actions aimed at violating the territorial integrity of the Republic of Armenia or renouncing sovereignty, and coercing the highest state institutions: the President, the National Assembly, the Government, or the Constitutional Court. The study of the dispositions of these crimes shows that they are practically aimed at denying or thwarting the sovereignty of the Republic of Armenia, since they target such attributes of sovereignty as territorial sovereignty of the state, independence in relations with other states, public and state order and the constitutional powers of the highest bodies of state power. Moreover, the specific crime of treason has a special subject: only a citizen of the Republic of Armenia can commit this crime.

Taking into account both legal and moral-personal connotations of the term “treason”, it can be concluded, that specific actions, aimed at weakening the state – defecting to the enemy, cooperating with the special services of other states, and other manifestations of state treason – have a pronounced moral and psychological dimension, emphasizing the severance of the moral connection of the citizen, who committed the crime, with the state.

Surely, the fact of the commission of a crime can only be recorded from the moment the guilty verdict enters into force, which is a requirement of the constitutional principle of the presumption of innocence.

At the same time, while acknowledging the inevitability of punishment and the paramount importance of the criminal, facing the criminal consequences of his or her behavior, we believe, that in case of such crimes against the state order, a legal and moral-political rupture inevitably arises in the founding legal relationship between the citizen, who committed the crime and the state, a gross violation of the concluded constitutional “pact” is taking place, which cannot be considered overcome even after the criminal has served his sentence and the conviction has been expunged. In this case, the subjects of regulation of constitutional law and criminal law and the legal methodology used differ. The serving of a sentence by a person, who has committed a crime, exhausts his criminal legal obligation and liability to the state, which stems from the inadmissibility of being tried twice for the same act, humanity, the necessity of re-socializing the criminal and other assumptions. Meanwhile, from the point of view of constitutional law, the key question in this case is whether, in the event of a deliberate and gross encroachment on the common good by a person, who is a member of a political society, a citizen of the state, the state, should continue to bear constitutional obligations towards that person: protection of



rights, social support, etc., and whether the citizen has not excluded himself from that political society by his or her criminal act, and thus is his further participation in state governance, through voting and being elected, and having other rights towards the state for which he consciously created an existential threat, not contradictory?

It should be noted that the practice of depriving citizenship for committing treason or other acts against the interests of the state of citizenship is widespread. In particular, in 15 of the European Union Member States (Belgium, Bulgaria, Denmark, the Netherlands, Estonia, Latvia, Lithuania, France, Cyprus, Malta, Ireland, Greece, Romania, Slovenia and the United Kingdom) the institution of deprivation of citizenship operates in cases, where a person has committed treason or other serious crimes, that constitute a breach of loyalty to the state of citizenship: crimes against the state, crimes against the constitutional order and institutions, including terrorism, violation of loyalty to the state by an action or word or the commission of actions against national interests (Mentzelopoulou & Dumbrava, 2018).

As we can see, the legal regulations in force in the member states of the European Union provide for deprivation of citizenship for a large number of crimes that are directed against state security, national interests, or constitutional order. In other words, the deprivation of citizenship itself is not considered a priori unjust if the “tip of the scale” is a comparable or more important social value or public interest, such as citizen’s loyalty to the state, state security, and constitutional order.

Having confirmed the regularity of termination of the institution of citizenship or the right to citizenship in the event of a number of intentional crimes against the state, it is necessary to consider possible limits of application of this unique constitutional-legal sanction against a person, which are necessary to maintain a balance between different constitutional values and ensure social harmony.

Within the realm of our current research, it is necessary to consider mainly two interrelated aspects that will unavoidably affect the content of consequences, arisen after revocation of citizenship. These aspects are: three main types of getting citizenship: the principle of “blood”, the principle of “soil”, and naturalization, as well as the international obligation of states to create conditions, targeted at decrease of stateless persons under their jurisdiction (League of Nations, 1930).

The principle of “blood” presupposes obtaining citizenship based on one’s parents’ nationality, meaning that a person obtains this or that citizenship by birth by virtue of his or her parent(s)’ nationality, regardless of a place of birth. On the contrary, the principle of “soil” means that a person obtains citizenship of the state, where he or she was born.

In its turn, naturalization is a means of obtaining citizenship by applying to the competent state body in case of meeting certain criteria, stipulated by relevant legislation. In other words, by naturalization a foreign national or stateless person applies for granting citizenship of a state with which he or she has no “blood” or “soil” affiliation.

In the context of our research issue there is a connecting line between each of the aforementioned principles of citizenship and the state’s international undertaking to stimulate restriction of the status of statelessness. In cases where a person is not recognized as a citizen by any state, he or she becomes stateless, which deprives him or her of rights such as the right to gainful employment and freedom of movement. He or she is unable to access education, medical care and services, is deprived of property rights and even the ability to register marriage and the birth of his or her child. Stateless persons are also unable to participate in legal processes in their country of permanent residence, such as elections. This makes them “invisible” from a legal perspective: people who actually exist, but are not legally recognized (Irwin & Manly, 2008).

Based on the aforementioned, the international community denies statelessness as a major hindrance for availability of public goods for a person. Particularly, the UN Convention on the Reduction of Statelessness of 1961, Article 8, point 1, prescribes, that a Contracting State shall not deprive a person of its nationality, if such deprivation would render him stateless. The Republic of Armenia is a party to this Convention.

European Convention on Nationality of 1997, adopted under auspices of the Council of Europe, Article 4, point “b”, prescribes that statelessness shall be avoided. Respectively, Article 6 of the same Convention prescribes different venues for obtaining citizenship that shall be ensured by the Contracting Party in order to avoid statelessness.

At the same time, Article 7, point “d” of the Convention legitimizes a competing public interest: the imposition of sanction for the breach of duty of loyalty to the parent state – loss of the citizenship.

This equilibrium of rules makes it important to draw a line between two competing interests – ensuring and if necessary enforcement loyalty to the parent state and one’s right to citizenship.

First of all, the principle of “blood” is the primary principle of acquiring citizenship insofar, as it aims to form the demographic basis of the state, the titular nation and to create an ethno-cultural hearth that will allow a long-term preservation of the social basis of the state and contribute to the crystallization of its national identity. Consequently, as a rule, persons who acquire citizenship by the principle of “blood,” that is, on the basis of their parents’ citizenship, do not have a legal opportunity to acquire another citizenship, and

in case of losing citizenship on any basis can inevitably join the ranks of stateless people.

The situation is better in the case of the principle of “soil”. First, this principle, unlike the principle of “blood”, is not always applied by states and depends on the existence of the goal of increasing the population. In case of acquiring citizenship on this basis, a person has the right to acquire citizenship of another state by blood origin.

On the other hand, in case of acquiring citizenship on the basis of naturalization, individuals freely apply to become citizens of a given state upon reaching adulthood, if they meet specific conditions set by the state. That is, unlike the previous two principles, when a person’s acquisition of citizenship was conditioned by a certain status at birth, in case of naturalization, the “transactional” nature of citizenship is pronounced: a person applies to become a citizen of a given state in order to benefit from the legal protection system of that state, if certain formal conditions are met and assumes corresponding constitutional and legal obligations towards the state. As a rule, before naturalization, a person has the citizenship of another state and can even retain his previous citizenship, if dual citizenship is permitted in the new “parent” state. At the same time, usually, persons, who have renounced citizenship, regain it via simplified procedure, which means mitigating or overcoming the risk of becoming a stateless person in the event of deprivation of citizenship, discussed above.

The short comparative study of three main venues of obtaining citizenship shows, that revocation of citizenship in case of committing crimes, entailing grave breach loyalty with almost no risk for becoming stateless, is applicable to naturalization, as well as to the obtaining of citizenship based on the principle of “soil”.

The current Law of the Republic of Armenia “On Citizenship” does not provide for the institution of deprivation of citizenship as such. Instead, the institution of termination of citizenship is established (Article 23) in case of change of the citizenship of the Republic of Armenia, acquisition of the citizenship of the Republic of Armenia on the basis of false or incorrect documents or false data and in cases, specified by international treaties. In other words, under current legislation in Armenia, the termination of citizenship is linked either to a person’s voluntary act of terminating citizenship, or to committing fraud or submitting incorrect documents when entering into a citizenship relationship, or in cases specifically provided for by international law. All these cases are related to procedural issues related to the legal relationship of citizenship, whether lawful or not, but there is no basis for the termination of lawfully acquired or established citizenship as a result of criminal acts against the state of citizenship. The reason for this is, among

other things, the general prohibition on deprivation of citizenship established by the Constitution (Article 47, paragraph 5, sentence 1).

Without delving into the reasons for constitutionally establishing such an absolute ban, which is perhaps the topic of another article, let us only note that a significant increase in the number of revealed cases of treason is observed in the Republic of Armenia, and a number of crimes aimed at the forcible overthrow of the constitutional order have been revealed during the preparatory phase. One of the main reasons for the created criminal atmosphere, in our opinion, is the inadequacy of public censure at the legal, political, and moral-psychological levels, when a person who commits a crime against the state will face sharp backlash from public opinion.

We believe that this situation may significantly change for the better if non-standard countermeasures are used against citizens who oppose the state. Such an example could be the establishment in the new Constitution of a mechanism for depriving citizenship on the basis of committing grave and particularly grave crimes against the state. Enshrining such a constitutional norm will provide an opportunity to make adequate changes to the RA Law “on Citizenship” and establish clear mechanisms that will ensure the implementation of the constitutional innovation in practice. In this way, the state will send a clear message to the public and potential criminals, that it will not tolerate criminal encroachments on political community, even by alienating from the political community those convicted of the relevant crime by a final verdict, depriving them of their citizenship.

On the other hand, a newly established legal mechanism for deprivation of citizenship may apply only to persons, obtained citizenship via naturalization or on the basis of the principle of “soil”.

We believe that this approach will serve as a basis for a reassessment and legal reloading of citizen-state relations, emphasizing the importance of law-abiding behavior for the continuity of a citizen’s legal relationship with the state, at the same time upholding legal guarantees for the main segment of Armenian citizens.

### **Conclusion**

The study conducted shows that the legal relationship of citizenship is multifaceted and is not limited to procedural aspects, filled with legal formalism or obligations that do not have constitutional consequences. The state-citizen relationship is of essential importance for statehood, operating under the “nation-state” concept, where citizens and the state have a mutual legal, political, and moral-psychological affiliation and connection with each other, with mutual rights and obligations. The latter can be ignored in no way, and violations cannot remain without constitutional consequences, especially in

cases where a citizen encroaches on the state by committing the most serious crimes, that harm the security of the state and the integrity of the constitutional order. The state does not and cannot have any obligations or commitments towards citizens, who have been convicted for anti-state activities by a legally binding verdict. At the same time, international obligations toward stimulation of decrease of statelessness necessitates thorough analysis of the main bases of obtaining citizenship to strike off those ones, that have the lightest or no effect in terms of boosting statelessness in case of revocation of citizenship.

In light of this, the absolute prohibition on deprivation of citizenship in the Constitution of the Republic of Armenia, which prevents the severance of the state's legal ties with individuals who have committed crimes against the state, seems problematic. It is a serious legal, political, moral, psychological, and even symbolic problem when the state, in addition to criminal-legal measures, does not send a message at the constitutional-political level that the sovereignty and security of the state are the foundations of public consensus, violating which in itself makes it impossible and intolerable for the person, who committed the crime to maintain his citizenship of the Republic of Armenia.

At the same time conscious approach should be employed when addressing possible legal consequences of the revocation of citizenship, avoiding an inescapable boost of statelessness.

We believe that the Constitutional Reform Council should consider the issue of eliminating the absolute prohibition on deprivation of citizenship in the new draft Constitution for the cases when it comes to the forced termination of citizenship of persons who have committed crimes that undermine the foundations of the existence of the state, taking into account also possible concerns about the fulfillment of international obligations of Armenia.

Moreover, the employment of revocation of citizenship in the aforementioned cases can also be viewed as symbolic within the framework of the “Fourth Republic” concept, as a significant step towards strengthening the state-centered ideology.

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