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ADAPTING INTERNATIONAL LEGAL FRAMEWORKS FOR SCIENCE TO THE ARMENIAN CONTEXT: OPPORTUNITIES AND LIMITATIONS

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Abstract: *This article examines the legislative and legal regulation of science, drawing on the experience of various countries to identify effective models. It analyzes the scientific legislation of several states with advanced research systems and provides comparative assessments. In the contemporary world, no country can develop without adapting to global transformations. Science and the practical application of its results play a crucial role in national development and in improving living standards, which necessitates the internationalization of scientific activity. Therefore, the legal framework must create favorable conditions for scientific progress, innovation, and responses to emerging national challenges.*

The current legislation regulating the scientific sphere in Armenia does not adequately address the requirements of 21st-century science, including international cooperation, open science, digitalization, advanced research management, artificial intelligence, and high-technology integration. The purpose of this study is to examine international legislative practices and propose improvements to Armenia's legal framework governing science. Comparative and descriptive research methods were used, relying on scientific literature and normative legal acts.

Based on the legislative experience of different countries, the article recommends incorporating legal definitions of "scientific work" and "scientific result" into Armenian law, adopting flexible evaluation mechanisms for scientific organizations and researchers, and implementing policies that encourage the inflow and retention of scientists. The legislative examples of China and Korea are particularly noteworthy, as they promote the activities of both domestic and foreign researchers and offer broad opportunities for international students. Ultimately, the value of science lies in the effective application of its results, contributing to the prosperity of the country and its people.

Keywords*: Scientific and scientific-technical activities, legislative and legal regulation, scientist, scientific worker, science law, international scientific and technical cooperation*

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Introduction

Science and the state's scientific policy can establish universally accepted relationships in the world grounded in national dignity, equality, solidarity, and mutual responsibility. Science within the state must become a true productive force. This is significant against the backdrop of

current developments in the Republic of Armenia's foreign policy and security, which further emphasize the importance of increasing the socio-economic role of science and innovation, as well as scientific and technological activity. Naturally, the legal field in the country for those engaged in scientific-technological and innovation activities plays an essential role, directly impacting the attractiveness and effectiveness of such activities, as well as the pace of implementing innovative measures. The legal and regulatory field must create the most favorable conditions for the development of science and innovation activities, relevant to solving the problems facing the state. The legislative field regulating Armenia's scientific sphere does not address 21st-century scientific developments, requirements, international cooperation, or trends in scientific-technological progress. This refers to open science, digitization, international research management models, the application of artificial intelligence, and the integration of high technologies. A clear model of state governance, supervision, and accountability is also not proposed by the legislation currently in force in the Republic of Armenia in the field of science. On the other hand, no country in our time can develop without taking into account the changes occurring worldwide; science and its results, as important factors in ensuring the country's development and raising people's living standards, need to be internationalized. The relevance of this article's theme is conditioned by the aforementioned. **The main objective** of the study is to propose ways of improvement for the legislation regulating the field in the Republic of Armenia by presenting the experience of legal and regulatory arrangements for science in various countries. **For that purpose,** the legal and regulatory frameworks in the Republic of Armenia and other countries, make comparisons and correlations, and identify opportunities to localize foreign experience in our country.

Literature Review

Russian scientific works related to the legal and regulatory arrangements of science are notable for the depth of problem discussion: V.N. Gordey's "State-legal regulation of the field of science in Russia under conditions of market economy establishment"(2005),L.G. Berlyavsky's "Legal policy of the Soviet state in the field of regulating scientific activity: 1917-late 1920s" (2009), V.P. Baranov's "Methods and tools for improving mechanisms of state regulation of the field of science in the Russian Federation"(2012), E.K. Nechaev's "Legal regulation of scientific research and technological development in regional integration organizations: examples of the European Union and the Eurasian Economic Union"(2017). There are many works devoted to the problem of legal regulation of scientists' status: O.Yu. Osipov's "Social status of young scientists in the region"(2011), S.M. Nikiforov's "Legal entities of public law in Russia in the XVII-XIX centuries"(2017),L.Yu. Chernomorsky's "Trends in changing values of scientific activity in Russia: Youth position" (2005).V.V. Lapaev, A.V. Gabov, L.N. Berg, N.V. Putilo, D.V. Gribanov and others have also addressed issues of normative-legal regulation of scientific activity in their works [1]. There is also a view that the current legal situation of legal and regulatory arrangements for science in the Russian Federation "testifies to contradictory trends in state regulation of the scientific-educational field: it is sometimes rigid, sometimes mild"[2].D.V. Murzin revealed other shortcomings in the legal regulation of scientific activity and its results related to the legal nature of these results, the status of subjects, forms of scientific activity, contractual foundations of this activity, service results of scientific activity, which testifies to the incomplete legal regulation of science [3].

Each form of legal regulation of science entails risks. The dispositive method can commercialize science. While this brings science into the real economy, it may also introduce inadequate market criteria to evaluate scientific work. The imperative method can slow scientific activity, its financing, and state support. Some Russian scientists discuss whether science law exists as a complex branch of Russian law [4].

Scientific activity, according to economics doctor and professor Pletnev, is activity directed toward obtaining previously unknown knowledge, whose result is not material but intellectual production [5]. Doctor of philosophical sciences and professor Semyonov has also tried to reveal the concept of "science" by presenting it as "a special field or form of intellectual production connected with the generation, verification, and systematization of objective knowledge about reality"[6].In any case, as some authors claim the principle of freedom of scientific research is oriented towards the general idea of scientific and technological progress– to act as a resource for universal development [7].

In our conviction, the inseparability of three components and their logical continuity are important here: the process of generating objective knowledge about reality continues with the process of converting them into technology, then creating technologies, which implies closely connected means and methods of activity.

American legal literature is not characterized by theoretical discourse on the goals, methods, and functions of legal regulation of scientific activity. As a rule, it comes down to discussion around predetermining the boundaries of the scientist's scientific freedom. These scientific discussions, in turn, are predetermined by the rapid development of genetic engineering, contemporary biotechnologies, and other cutting-edge technologies, whose development principles inevitably clash with existing ethical and humanitarian principles. “Academic freedom must be protected not only morally, but also legislatively. No matter how traditional it may be, without legal guarantees, it is unprotected”[8].

The following well-known figures have addressed the scientific-educational environment as a subject of legislative regulation: A.A. Bolonkin, J.Yu. Stiglitz, M. Friedman, F.G. Cumbs, V. Potter, R. Schmidt, R. Fisher, A. Wildavsky, R.V. Wassmer, A.B. Krueger, J. Grant, K.I. Murray and others. However, in fairness, it should be noted that these authors' works are primarily related to the educational system. Gina M. Hilton, Yadvinder Bhuller's and others' opinion on the legislative regulation of science "A challenge for regulatory authorities is that many governing laws reflect the scientific paradigm of the mid-20th century" [9].

Methodology

In the scope of the study, we used comparative and descriptive research methods. To analyze the legal and regulatory arrangements in the science field, we examined legislative frameworks of the Republic of Armenia, other countries, and various unions. Scientific works, normative legal acts, statistical data, and reports formed the article's informational basis.

Analysis

"Scientific cooperations" have a special character. First, engaging in science is a creative activity that does not tolerate external interference and implies the researcher's independence and the probability of obtaining or not obtaining a scientific result. Therefore, the creative process of acquiring new knowledge should not be subject to legal regulation. Second, one of the participants in scientific cooperations is the scientist, the researcher collective, or the scientific

staff, without whom conducting scientific research is impossible. Third, scientific cooperation is regulated by other branches of law (administrative, civil, labor, budgetary, tax, international, etc.). Lawmaking is a creative process whose purpose is to create favorable conditions for the development and vital activity of society. Krasnyansky wrote: "During law-making activity, the legislator not only reflects the diversity of social relationships in their static and semantic aspects but also evaluates them." A robot is not capable of evaluating the legal situation of any problem; instead, this is done by the serving programmer, who in turn is instructed by someone.

According to the Republic of Armenia Law "On Scientific and Scientific-Technical Activity" (RA Law-119, dated 26.12.2000), science, as an exceptionally important factor in economic development, ensuring the country's security, education, culture, and social progress, is under state patronage. The law regulates the relationships among subjects of scientific and scientific-technical activity, state bodies, and users of scientific results, and defines the principles of forming and implementing state policy in the field of science and scientific-technical activity. To develop science as an economic activity, the Republic of Armenia's tax legislation provides a number of privileges. Thus, pursuant to subparagraph 3) of point 2 of Article 64 of the RA Tax Code, scientific research and experimental development work that meets the criteria established by the government is exempt from VAT. A peculiarity of expense accounting for profit tax calculation is established by subparagraph 4 of point 2 of Article 121 of the RA Tax Code; according to subparagraph 2) of point 2 of Article 123 of the RA Tax Code, an additional reduction is provided only for wages and equivalent payments to persons included in the list of professional work in the field of high technologies established by the government, included in the list of activity types in the field of high technologies, by 200%. In addition, pursuant to subparagraph 1.1 of Article 150 of the RA Tax Code, a double low tax rate of 10% is established for income tax on wages and other equivalent payments paid to personnel engaged in occupations included in the list of professional work in the field of high technologies, subject to a specific procedure. According to Article 230 of the RA Tax Code, agricultural institutions and forestry scientific organizations, as well as breeding and seed experimental organizations, are exempt from real estate tax by 50% if the property is used exclusively for scientific purposes [10]. The ideological core of the Strategy updated by Decree N145 of the President of the Russian Federation dated 28.02.2024 is scientific-technical sovereignty. Russian science is defined as "the basis for developing state sovereignty," its role is to create necessary, balanced, and effective decisions aimed at solving social, economic, cultural, and other problems facing the Russian Federation, ensuring the country's security. Special attention is paid to the value and worldview foundation of scientific-technical development, patriotic education of Russian scientists, and their responsibility for achieving great accomplishments. According to the strategy, solving problems aimed at having a high level of Russian science that ensures the necessary quality and pace of socio-economic development requires maximum use of available resources, stimulating scientific progress, in other words, essentially forming a legal regime, preventing emerging risks, neutralizing the influence of factors hindering the development of the scientific-technical process. In the Russian Federation, state policy is oriented toward applying advanced experience in managing the scientific field, with great attention paid to developing the normative base of scientific activity, particularly the following legal acts are in force: Federal Law N127-FZ "On Science and State Scientific-Technical Policy" dated 23.08.1996, Federal Law N70-FZ "On the Status of Science City of the Russian Federation" dated 07.04.1999, Federal Law N139-FZ "On Russian Nanotechnology Corporation" dated 19.07.2007, Federal Law N284-FZ "On Transfer of

Property Rights to Unique Technologies" dated 25.12.2008, Federal Law N316-FZ "On Patent Attorneys" dated 30.12.2008, Federal Law N273-FZ "On Education in the Russian Federation" dated 29.12.2012, Decree N899 of the President of the Russian Federation dated 07.07.2011 "On Approval of Priority Directions of Science, Technology and Technology Development in the Russian Federation and the List of Critical Technologies in the Russian Federation," Decree of the President of the Russian Federation dated 01.12.2016 "On the Strategy of Scientific-Technological Development of the Russian Federation," and others. D.V. Murzin, comparing the Russian Federation Federal Law "On Science and State Scientific-Technical Policy" with UNESCO's "Guarantee on Standardization of International Statistics in the Field of Science and Technology," noted that in the latter, the concepts "scientific research and experimental development" and "scientific research activity" are classified in the field of creative activity, while in Russia they are not. He also emphasized that the lack of emphasis on the creative nature of scientific activity in Russian legislation contradicts social realities and contemporary ideas about science, since "the development of science occurs through surpassing achieved results" [11]. Yu.V. Stepanenko considered the shortcoming of Russian legislation regulating science to be the legal status of state scientific centers: particularly, the provision about the state scientific center is not properly recorded, and no acceptable legislative definition is given. According to him, the legislator also failed to clearly distinguish between "scientific(research) activity" and "scientific-technical activity" [12]. In another work, Yu.V.Stepanenko criticized the definition of the concept "scientific worker," according to which, first, the legislator did not include it in the list of basic concepts; second, the concepts "scientific worker" and "researcher" were equated. It is obvious that any scientific worker is a researcher, but the reverse cannot be claimed. "A researcher is any citizen who engages in research not officially but by personal interest" [12]. It is characteristic that in UNESCO acts, scientific-technical activity is a broader concept than scientific activity and includes scientific activity, experimental development, scientific-technical education, and scientific-technical service. In Russian Federation law, conversely, scientific-technical activity is a component of scientific activity [13]. In the Republic of Armenia, scientific and scientific-technical activities are equated, interpreted as intellectual creative activity directed toward expanding acquired knowledge, obtaining and applying new knowledge. According to the legislation in force in Belarus [14], scientific activity is considered an inseparable component of educational activity regardless of the level of education (preschool, general secondary, professional-technical, secondary professional, higher education), with the scientific-methodological provision of education being consolidated as based on fundamental results of scientific research. According to the Law N273-FZ "On Education in the Russian Federation" of December 29, 2012, the role of science in the educational process has a different interpretation; the main emphasis here is primarily placed on training scientific and scientific-pedagogical personnel, intellectual and creative competitions conducted to increase students' interest in scientific activity. According to Article 1 of the Law "On Scientific Activity" of the Republic of Belarus, "scientific activity is directed toward obtaining new knowledge about nature, man, society, artificially created objects and developing new methods for their application." According to this law, obtaining new scientific knowledge is possible through conducting fundamental and applied scientific research. Besides the mentioned, this law also attributes state scientific-technical and scientific expertise, training and attestation of highly qualified scientific personnel to scientific activity. Here it should be noted that state scientific-technical and scientific expertise

as scientific activity does not raise doubt, which cannot be said about the training and attestation of scientific and scientific-technical personnel.

Within the framework of the CIS union, model laws "On Scientific and Scientific-Technical Activity" and "On the Status of Scientist and Scientific Worker" (at the plenary session of November 25, 2008) were adopted regarding the field of science. Besides this, scientific-technical cooperation between CIS member states is regulated by the following legal acts:

- Agreement on cooperation in interstate exchange of scientific-technical information, which was also adopted to create a common scientific-technological platform between CIS member states, develop national scientific-technical information systems, and implement joint programs [15].
- Interstate program of innovation cooperation of CIS member states until 2030, whose goals are creating conditions for establishing interstate cooperation and increasing the competitiveness of states [16].

The Collegium of the Eurasian Economic Commission on June 24, 2022, approved Recommendation N26 "On Prospective Forecasts and Priorities of Scientific-Technical Development of the Eurasian Economic Union" [17]. The legislative consolidation of scientists' status is also important. This problem is not new in jurisprudence. For example, V.S. Kamenkov notes that the state and society must be oriented: can a person who does not have special professional training and does not master special techniques, methods, and skills of research activity be called a scientist [18]. Although the Inter-Parliamentary Union of CIS member states adopted the model law "On the Status of Scientists and Scientific Workers" as early as 2008, neither in the Russian Federation, nor in the Republic of Belarus, nor in the Republic of Armenia is the scientist's status yet clarified. According to it, a scientist is a physical person (citizen, foreign citizen, or stateless person) who has a scientific degree and/or scientific title, implements professional scientific or scientific-technical activity, and is recognized by the scientific community for the results of their scientific-technical activity. In the Republic of Kazakhstan, the Law "On Science" N407 IV dated 18.02.2011 consolidates the concept of scientist: it is a physical person who conducts scientific research or obtains results from scientific and scientific-technical activity [19]. As follows from this definition, no qualification requirements are presented to these persons. Many aspects of innovation activity are regulated in the Republic of Kazakhstan's Law "On Science," but the definition of principles for the emergence of ownership over intellectual work results financed from the state budget remains outside the regulation framework. In our opinion, solving this problem will eliminate obstacles in the process of implementing innovations in the real sector of the economy. In international practice, it is accepted to receive the results of scientific and scientific-technical processes as intellectual property. Thus, the data collection and research group within the framework of the Organization for Economic Cooperation and Development (OECD) defined the scientific and scientific-technical process as creative periodic activity aimed at increasing knowledge, as well as applying existing knowledge under new conditions. Moreover, this activity must correspond to a number of mandatory conditions: the presence of scientific novelty, uncertainty of scientific activity results (incurred expenses may not coincide with obtained results), creative nature (based on objectively new ideas and principles), periodicity (detailed planning of the entire process of activity, including intermediate and final results), reproducibility (possibility of using and transferring obtained knowledge) [20].

In the legal field of India's scientific activity, a five-year plan methodology is applied, which includes planning state policy in this field. India's scientific-technical system is represented by the following super-agencies: Central government scientific-technical departments, independent research institutes, private research centers, non-governmental organization research centers, state scientific-technical divisions, central socio-economic and other ministries [21]. Central government scientific-technical departments include the Ministry of Science and Technology, the Department of Atomic Energy (founded in 1954), the Department of Biotechnology, the Ministry of Earth Sciences, the Indian Council of Scientific-Industrial Research, defense research and development organizations, and the space department. It is characteristic that 90% of researchers of Indian origin work outside the country, despite the fact that the country's traditional legal culture promotes the development of science and scientific-technical activity. India actively participates in the Shanghai Cooperation Organization; it is a member of BRICS (Brazil-Russia-India-China-South Africa) and RIC (Russia-India-China) [21].

One of the foundations of China's economic miracle is the rapid development of science and the practical application of its results. According to the People's Republic of China's basic law "On Scientific-Technical Progress," one of the goals of legal regulation of science is promoting international scientific-technical cooperation. According to Article 15 of this law, the government of the People's Republic of China cooperates with governments of other countries and international organizations in the field of scientific-technical activity, and also encourages international cooperation and exchange of scientists and technicians from scientific research and technological institutes, higher educational institutions, and scientific-technical public organizations. Article 54 of the aforementioned law clearly regulates the tasks of the state and scientific institutions, as well as the directions of support for researchers invited from abroad and for scientists returning to their homeland. Scientific institutions are obliged to create necessary living and working conditions for Chinese scientists returning to their homeland from abroad, while the state provides permanent residence rights to foreign scientists who come to China for scientific purposes.

The following characteristics are distinguished by analyzing the history of science development in the USA and the foundations of legal regulation:

- Applied orientation of science to the detriment of fundamental science development, which was conditioned by the American desire to make an instantaneous transition from early modernism to mature postmodernism.
- Science develops according to the principle of synergy between higher education, the state, and private business. Dialogue between science, the state, and business promotes the development of various models of scientific-industrial alliances and simplification of technology transfer.
- Science and technology policy creates an innovative ecosystem.
- The organizational model of science is research universities.
- A clear, successful policy of ensuring the immigration of "the world's best brains."
- Functional scientific-technical diversity development is emphasized.
- The main criterion for granting a person the status of researcher or scientist is the direct evaluation of scientific activity results. The advantage of this approach is the potential to make scientific discoveries by recognized scientists and emerging, talented researchers [22].

Very interesting is the Republic of Korea's scientific-educational system, which includes several requirements: a scientific degree, English proficiency, active participation in international retraining, wide opportunities for foreign scientists to work in the country, and others. At the same time, contrary to the global trend, the high status of higher education is firmly maintained here; university programs are not reduced, great attention is paid to ideological education during the training of civil servants, which is consistent with the Korean national value system [23]. The foundation of the scientific-educational system's development is the teacher-training system. Great importance is placed on the relevance of education; annual attestation requirements for teachers are established, and teacher selection and training are conducted through an entirely competitive system. Researchers also emphasize the importance of the teacher's social role in society, the collectivist characteristics of Asian countries, efforts to make individuals part of that collective, and the strict hierarchy. The Republic of Korea encourages the education of foreign students through various programs. The main directions of state support are regulated by law; the main scholarship program is "KGSP"("Korean Government Scholarship Programs"), which includes payment of the full cost of tickets (one-time, both directions), certain material support for entry, monthly scholarship (90,000-100,000 won, which amounts to about 200 thousand drams in Armenian currency), medical insurance, coverage of language course costs, diploma thesis printing costs, additional payment for high knowledge of Korean language and scientific research [24].

The Republic of Armenia Law "On Scientific and Scientific-Technical Activity" was compared with the model law (approved by Decision N31-15 of the 31st plenary session of the Inter-Parliamentary Assembly of CIS member states on 25.11.2009). In the Republic of Armenia's law, the terms scientific and scientific-technical activity have a unified character, whereas in the model, they are separate, with fundamental and applied types assigned to both. In the model, types of scientific-technical activity are research, experimental design, project-experimental, preparation of experimental samples, etc. It is characteristic that, in the model, scientific-methodological, patent-licensing, software provision, organizational-methodological work, as well as the dissemination and application of their results, are also considered scientific-technical activity. Unlike the Republic of Armenia law, in the model, a scientist is a person who has a scientific degree and title and is recognized by the scientific community within the given professional framework. Very important are the definitions of the "scientific work" and "scientific result" concepts, which are also absent from the Republic of Armenia's law.

Conclusion

Legislative regulation of the "scientific work" concept is very important, since we often encounter provisions using it in the Republic of Armenia legislation, particularly as permissible work for those occupying public service positions, for applying tax privileges, and other purposes. Also very instructive are the legislative regulations of China and Korea that encourage the activities of domestic and foreign scientists in their countries, as well as the opportunities offered to foreign students. The value of science lies in the useful application of its results, which increases the country's and people's prosperity. This understanding has long existed in the USA, which is why they adopted the Bayh-Dole and Stevenson-Wydler Acts [29]. Thus, the Bayh-Dole Act is aimed at patenting and commercializing scientific results, allowing scientific organizations, including universities, to profit from their intellectual activity. The Stevenson-Wydler Act governs the process for technology transfer between the public and private sectors.

Policy Implications

Studying certain legislative acts of various countries, the following definitions are proposed: "scientific work is research conducted for the purpose of obtaining scientific results," "scientific result is new knowledge obtained during fundamental research.? Mental and applied research, which is recorded on scientific information carriers - reports, scientific articles, scientific reports, scientific communications about conducted scientific research work, published monographs. “There is a need to apply the Korean experience in Armenia: not to reduce university programs, but to strengthen the high standard of higher education. Optimizing the system should be combined with substantive changes, and during the training of civil servants, great attention should be paid to ideological education that aligns with the Armenian national value system. In the Republic of Armenia, it is necessary to implement the American experience of science development based on the principle of synergy between higher education, the state, and private business. We believe that the main criterion for the effectiveness of scientific organizations and scientists' activities in the Republic of Armenia should also become the applicability of scientific results.

Conflict of Interest

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