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Exploring Legal Dynamics in Contemporary Migration with a Focus on Refugee and Migrant Rights

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Abstract: The phenomenon of migration poses a pressing difficulty within the global legal framework, heightened by persistent political instability and the repercussions of climate change. These factors compel a significant populace to seek alternative habitats, where they encounter varying degrees of success in societal integration. The article aimed to explore the legal aspects of migration processes in the modern world viewed through the lens of delineating the rights of refugees and migrants. The

research method chosen was a systematic review. As a result of the search in the Scopus and Web of Science databases, 53 publications in English from the years 2019 to 2024 were selected. The results demonstrated that developing sound migration policies is paramount in navigating this complex terrain. While initial international resolutions made general declarations, contemporary conventions provide detailed frameworks that, alongside national laws, establish the foundation for the assimilation of non-citizens into host societies. It was demonstrated that the increase in the number of migrants and displaced persons has led to a more detailed legal framework. While the initial international resolutions, such as those from the United Nations, primarily took a declarative stance, contemporary conventions exhibit a significantly more detailed approach. In conjunction with the legal norms of individual nations, these modern frameworks establish the foundation for the assimilation of recently arrived non-citizens into their host society. The results pointed out that this process took place according to the scheme of considering international standards and conventions on the protection of migrants and refugees' rights, which became the basis for developing relevant provisions of national legislation. Consequently, the findings underscored the need to promote inter-state legal cooperation to address migration comprehensively. In addition to highlighting the current state of the law, the study argued for developing innovative solutions to address the complexity of migration in the interconnected world.

Keywords: legal framework, foreign investment protection, martial law regulations, international treaties, risk assessment, regulatory environment.

Introduction

Currently, migration stands as one of the most pressing challenges confronting contemporary society, affecting the spheres of politics, economics and social dynamics. In an increasingly interconnected world, population movements have become a defining feature, shaped by a variety of factors, from political instability and conflict to environmental degradation and economic disparity. Recent empirical studies indicate that as of 2022, 36.2 million people have migrated. This contrasts with the figure of 23.7 million people in 2021 (Statista, 2022). The instability of the current political situation causes large outflows of people who are forced to change their place of residence under pressure. The spontaneity of this movement is driven by difficult living conditions, ongoing or active military conflicts, natural disasters, political reasons, poverty, but also by the desire to find a better life (Kozlovskiy et al., 2020; Kozlovskiy et al., 2024). Given the need to cross borders, change their place of residence and to establish them in a new country, the emergence of legal difficulties along the way is quite obvious. Illegal border crossings, the right to reside are challenges that need to be addressed in view of the growth of such processes in the modern world (Nukusheva & Aitimov, 2022). The example of Ukrainians seeking protection in European countries from Russian aggression demonstrates that the outbreak of hostilities can have devastating consequences, provoking the emergence of another wave of migrants, for which governments of democratic countries may not be prepared. As of June 30, 2023, Germany had officially recorded a total of more than 1.1 million refugees from Ukraine in response to the Russian invasion. Similarly, by December 15, 2023, Poland had provided accommodation for 956,635 individuals who had sought refuge after fleeing Ukraine. By February 2024, a total of around six million Ukrainian refugees had been registered in Europe and 6.5 million worldwide (Statista, 2024).

Moreover, contemporary scientific discourse examines the potential utilisation of undocumented migrants as a tool capable of fomenting discord and social unrest within European nations (Andriiv & Vakhoneva, 2024; Lavenex, 2020). The legal regulation of this process, approved at the international level, will thus act as an effective means of counteracting illegal migrants, providing them with basic rights and guaranteeing certain conditions that will prevent them from being used in 'dark' mafia

schemes for human trafficking, drug trafficking, etc (Boucher & Gördemann, 2020; Marques, 2023). Consideration of this matter is pertinent in the context of the imperative to harmonise legislation aimed at addressing illegal migration, which is also relevant to the 'Mexican' issue in the United States. Obviously, the development of new concepts, together with the improvement of the existing legislative framework, will allow for the development of more effective levers of deterrence in the flows of population movement. In addition, as migration regulations become stricter worldwide, it is important to consider the rights of legal migrants who find themselves in new environments and need to adapt more quickly to participate in social relations and the labour market.

Research Problem

The study of legal instruments for regulating the rights of refugees and migrants is an urgent research problem that will require addressing several important issues. First of all, we are talking about identifying shortcomings in existing international documents, which opens up opportunities for illegal migration and the growth of social crises. Identifying and addressing these shortcomings is an important topic for analysis in the scientific literature, so the proposals put forward by experts, their consideration, comparison and analysis are relevant tasks for a broader study. In addition, it is worth considering the still unresolved elements of regulating the problems of migrants and refugees, which have become much more relevant, in particular, due to the increasing number of migrants from Ukraine in Europe and the world. Sudden waves of large masses of people driven from their own country as a result of aggression or other disasters pose a significant challenge to existing legal systems for regulating the affairs of migrants, displaced persons, etc. The solutions to such difficulties proposed by experts are also separate research issues.

Research Focus

The research focuses on the study of the peculiarities of legal regulation of migrants and refugees in the modern world. The emphasis is also placed on the selection and analysis of relevant scientific literature and certain international and national practices for resolving such difficulties. The legal side of this issue is covered through an attempt to identify the strengths and weaknesses in existing regulatory documents, their research, implementation and scientific interpretations. As a result, it is proposed to formulate general recommendations.

Research Aim and Research Questions

Therefore, the purpose of the article is to study the legal aspects of migration processes in the modern world through the prism of defining the rights of refugees and migrants. The realisation of this goal involves consideration of the following tasks: determination of the political and legal aspect of the modern migration challenge, analysis of international legal and regulatory elements of migration processes, and study of the relevant EU experience.

Literature Review

The issue of determining the legal mechanisms for regulating migration, resettlement of refugees and observance of their rights has repeatedly been the subject of research attention. In particular, Turan (2022) described the peculiarities of the policy (including legal) that the countries of the European Union primarily use to cooperate with migrants who have legally and illegally settled within the member states of this organisation. Niemann and Zaun (2023) addressed a similar issue, highlighting the importance of further evolution of European legislation to overcome the crisis caused by emigration flows. Mourad and Norman (2019) traced the legal process of transition from refugee to migrant status: based on the European experience, they identified the main legal issues that exist in the national legislation of EU member states. Similarly, Schuster (2022) proposed to distinguish between the

problem of migrants and the problem of refugees, which have different roots and legal solutions. Bielewska, Ślęzak-Belowska and Czeranowska (2024) addressed the issue of legal aspects of the integration of refugees from Ukraine into the public life of Polish cities, emphasising that in addition to legal conflicts, changes in the provision of the right to work, social protection, etc. need to be developed in detail. This process can be facilitated by the digitalisation of the economy, which, according to researchers, can facilitate not only legal integration, but also solve certain administrative and legal problems that will arise (, 2024a). separate attention was also paid to the study of other legal challenges that have emerged as a result of Russian aggression in European countries (Atamanchuk, Barchuk & Oryshko, 2023). It is important to note that Ukrainian migrants and refugees have faced the same legal challenges that have been repeatedly mentioned by researchers (Grandi, 2020; Federico & Baglioni, 2021). First of all, it is about bureaucracy, lack of legal assistance to persons uprooted from their native cultural environment, opportunities for additional integration into society and benefits. Obviously, the European legal system should pay attention to these manifestations of legal conflicts in order to avoid major problems in the future. The issue of legal regulation of the provision of benefits and assistance is an important aspect that still requires further study. It is also worth noting studies that focus on the specifics of establishing refugee and migrant status. Mantouvalou (2023) describes the possibilities of legal regulation of labour aspects related to the search for a profession and suitable work. Kubiv et al. (2020) analysed the ability of modern economies to integrate workers from other countries, also identifying possible barriers that may arise on this path. Minko (2023) traced the peculiarities of legal regulation of refugee status in African countries, describing the reasons for the rather difficult legal situation of the local population forced to move to refugee camps. Legal problems in other countries related to obtaining refugee status became the main object of research in Mavroudi (2023). Modern research also characterizes the direct connection between the country's economic development and migration processes (Dluhopolskyi et al., 2023; Lavrov et al., 2022; Lutsiak et al., 2020). The problems of Asian migrants were also traced by Mohammed (2022), and van Liempt and Staring (2023) focused on the current problems of providing legal protection to refugees from Syria. Balaji Naika (2024) outlined similar challenges faced by the legal systems of India and neighbouring countries. Although some of the works have a distinct regional context, a closer comparison shows that the relevance of legal protection of migrants' and refugees' rights is extremely high and requires further research.

Materials and Methods

In order to study the legal aspects of migration in the world, a qualitative research approach was used. Particularly, the methods of content analysis and conceptual analysis were chosen for the study to provide a comprehensive approach to this complex issue. Conceptual analysis was employed to critically examine and enhance the theoretical frameworks that form the basis of migration studies. The course included an in-depth study of the conceptual foundations of migratory law, the debate on human rights and the international legal instruments governing migratory movements. The conceptual analysis facilitated a nuanced understanding of the legal principles and norms that shaped migration governance. A comprehensive exploration of the legal aspects of migration was facilitated by integrating content and conceptual analyses. The study aimed to provide a comprehensive analysis of the complex interplay between the law, migration and human rights by triangulating insights.

Sample and Participants

The data collection process was organised in stages. After identifying the specific aspects of the study (migrant and refugee rights), the terms related to the study were worked out. In particular, several important keywords and related concepts were selected for searching in Scopus, EBSCO and Web of Science (see Table 1).

Table 1*Key words and derivative concepts*

Keyword	Derivative concepts
Legal aspects	Law, official aspects, legal protection, legal defense.
Migration	Migration processes, movement, mobility, emigration, immigration, resettlement.
Refugees	Forced migrants, migrants, evacuees, resettlers.

Source: Author's development

After inputting these key terms, 821 papers were identified in the aforementioned search databases. Following a preliminary evaluation of the studies, those focusing solely on legal matters and specific legal aspects were chosen. Consequently, 128 papers were included for further analysis.

Instruments and Procedures

An important stage of this study was the evaluation of the selected works. The systematic evaluation of the 128 selected papers was also conducted. First, the abstracts and keywords were analysed and reviewed, thus excluding those studies that did not concern the legal mechanisms. Based on this preliminary analysis, 81 papers were selected. After that, a comprehensive assessment of the papers was carried out based on the inclusion criteria that had been previously developed.

Table 2*Criteria and description*

Criteria	Description
Up-to-date data	The article provides up-to-date data on current changes in the legislation on migration
Date of publication	Only up-to-date research was selected. From 2019 to 2024.
The paper outlines the methodological principle	An important part of the analysis was the evaluation of the methodology in order to understand what approaches were used in the study.
Novelty	Special attention was paid to the value of the study. Preference was given to those works that had scientific novelty.

Source: Author's development

After analysing the literature, 53 items of the most relevant and important works for this qualitative study were selected based on these criteria.

Data Analysis

A thorough study of sources was carried out, and the key ideas and considerations regarding the problem of modern migration and its legal regulation were highlighted (the so-called thematic analysis).

After that, a comprehensive analysis and synthesis was carried out, highlighting the main trends in the legal regulation of migration processes. At the same time, the use of conceptual analysis allowed the author to develop his own theoretical concepts that include the content of the rights of modern

migrants and refugees. The study also uses comparison, which made it possible to compare the opinions of different authors and identify common or different points of view on the current legal protection of refugees.

In order to increase the validity of the study's findings, triangulation was used, which involved the use of multiple sources of data. In this case, in order to triangulate findings and validate the key findings, various sources of evidence, such as academic literature and legal documents were included.

Results

The migration challenge: the political and legal aspect

For quite a long time, the European Union has been the centre of the most powerful migration flows. While at the beginning of this phenomenon, positive aspects of this situation were considered (migration led to the emergence of new models of intensive economic development), later the massive migration processes caused a threat to both economic and social systems of many states. Modern researchers believe that migration is a process of regular resettlement of people (Vieira de Siqueira, 2024; Menski, 2020). The foundations of the EU's functioning as a political, trade and economic union provide for the implementation of the principles of free circulation of capital, goods and labour. Therefore, the use and integration of migrants is one of the main principles of European life, and its proper use is transformed into a powerful driver for further economic development, exchange of experience and use of new practices (Korolova et al., 2021). An important aspect for the legal status of migrants is the existing migration policies of states, which have a significant impact on labour, demographic and social aspects (Minko, 2023). In fact, we are talking about clarifying the cause-and-effect relationships and mechanisms for dealing with migration flows and improving their management. First and foremost, it is about forming a legal framework for establishing socio-economic relations, which will further encourage people to integrate into new living conditions. The researchers define migration policy as a set of financial, legal, organisational and administrative actions of public authorities and civil society institutions in the field of migration regulation to determine certain priorities, achieve certain quantitative or qualitative indicators of the composition of migration flows, the appropriate social, demographic and economic level (Atamanchuk, Barchuk & Oryshko, 2023).

Researchers, however, believe that migration policies in the EU and the US are still in the process of being formed (given the new challenges) (Bannikova et al., 2023; Kishor, 2020; Oomen, 2021). In order to respond appropriately to the existing migration challenges, European governments are advised to pay attention to several contradictions: the importance of identifying and overcoming problems together, ignoring national ambitions, trusting Brussels' orders and, contrary to current political preferences, being sceptical about unification initiatives, and trying to implement the decisions of a single European centre (Kubiv et al., 2020; Garlick & Inder, 2021). For the United States, the current challenge is to achieve flexible solidarity. Flexibility suggests coordinating political steps to address urgent problems of cooperation with migrants from Central and South America. This process is primarily aimed at strengthening in the public consciousness the idea of a common destiny for the inhabitants of the American continent, and the understanding of the inevitability of global problems that will result from ignoring this important challenge (Micinski, 2021). Flexible solidarity and the search for political compromise seem to be the most realistic ways to unite the various vectors of American policy.

International legal and regulatory aspects of migration process. EU experience

National migration policies of individual countries are based on existing international legal standards in the field of migration. One of the first documents to regulate migration processes was the

Universal Declaration of Human Rights, which was adopted by the UN in 1948. According to many researchers, this document is more declarative and not binding, but it contains articles that give all people the opportunity to move freely and choose their place of residence, to seek asylum from persecution in third countries, and to have legal opportunities to use such asylum, which had an important impact on both migrants and refugees (Korolova et al., 2021). Subsequently, these fundamental decisions evolved and were enshrined in the International Covenant on Economic, Social and Cultural Rights, which have the meaning of a convention, and the International Covenant on Civil and Political Rights. The terms of these documents refer to the importance of protecting the rights of all persons, including migrants (Carling, 2023; Křižovský et al., 2020). An important milestone was the UN Convention relating to the Status of Refugees, adopted in 1951. Researchers believe that this document was the first international legal act to define minimum standards for the protection of refugee rights. Certain legal aspects of labour rights protection have been implemented by the International Labour Organization (Chiarenza et al., 2019).

In particular, ILO Convention No. 97 on Migrant Workers stipulates that all member states of the International Labour Organization should facilitate the employment of migrants, without tolerating discrimination or nationality, condemning racial intolerance, without taking into account the gender, religion and beliefs of emigrants who have legally entered the territory of national jurisdiction (Marques, 2023). It was also proposed to create the same favourable working conditions for emigrants as for local citizens, to guarantee the avoidance of discrimination in pay, living conditions and working conditions, etc.

It also provided for the guarantee of all rights for the social and cultural development of migrants, which obliged to respect fundamental human rights in any case. As the number of migrants grew, the UN adopted separate decisions on the importance of protecting the rights of all migrant workers and their families.

All states had to regulate migration processes and have appropriate administrative structures to implement migration policy. In the 1990s, European countries additionally adopted a number of legal acts aimed at ensuring the rights of migrants, combating illegal detention of persons in captivity, slavery, forced labour for profit, and prohibiting discrimination (Mohammed, 2022). The European Social Charter is also an important document. Its specific provisions are devoted to the employment of migrants, in particular, the right to engage in gainful activity in the territory of a new country, as well as to receive the necessary protection, social assistance and benefits for themselves and their family members (Pijnenburg & Rijken, 2021). The documents also confirmed at the European level the obligation of employers to pay migrants the same wages as for local residents, to guarantee the right to participate in the trade union movement, to use housing, etc. Thus, the documents established equality of rights for both local citizens and foreigners legally staying within the borders of the state that signed the conventions (Shpykuljak & Mazur, 2014). The next step in the realisation of migrants' rights was the adoption of several international documents - bilateral agreements that regulated specific migration issues. In line with the granting of rights to migrants and refugees, the future vector of legal protection regulation is aimed at speeding up bureaucratic procedures, as the growing number of refugees requires optimisation of decisions and time, respectively (Mourad & Norman, 2019). Transforming. In particular, within the EU, this trend is highlighted in the construction of a model of legal cooperation between several states: reception of refugees at the border, distribution of responsibilities regarding their legal status between EU member states, organisation of legal cooperation with the countries of origin. Obviously, such mechanisms of legal mutual assistance will continue to develop. With this in mind, the main aspects of the protection of the rights of refugees and migrants can be summarised (see Table 3).

Table 3*Key aspects of migrants' and refugees' rights protection*

Aspect	Characteristics
International standards	Several major international legal agreements have been developed that regulate the rights of refugees and migrants. First of all, we are talking about the UN Conventions, which have become the basis for a basic understanding of these rights in many countries, for amending national legislation and for further response to changes in global migration policy.
National legislation	The legal status of migrants and refugees and the circumstances of acquiring such status are regulated by the national legislation of each country. If international conventions may not be approved at the national level, their provisions are not applicable. Thus, decisions of national parliaments can limit the influence of international law on the observance of protection norms for vulnerable categories such as refugees and migrants.
Protection programmes	Legislation defines specific legal mechanisms for the identification and protection of refugees and migrants. Depending on the circumstances, these may include separate programmes to provide legal support, social benefits or other guarantees, opportunities to study, obtain residence permits, etc.
Key aspects of protection programmes	Providing access to rights and freedoms on an equal footing with citizens of the country, ensuring basic rights (right to life, right to housing, protection from violence and discrimination, right to work, etc.). special emphasis is placed on protection from forced deportation when there is a threat to the life and health of refugees. Protection programmes also provide an opportunity to receive adequate legal support, medical protection, etc. The implementation of such support is usually entrusted to the relevant social and administrative services, the existence of which is also ensured by international law (Lysenko et al., 2024).

Source: author's development

Thus, in general, the goal of protecting the rights of migrants is to provide them with equal social rights with citizens of the country they arrived in. It also means protecting them from violence and enabling them to integrate into their new environment. First and foremost, international legal norms and national legislation are aimed at those migrants and refugees who arrived legally.

Discussion

Hence, as the number of refugees and migrants in democracies grows, there is a growing need to develop new models of the legal framework for regulating their integration. The article demonstrates that the rights of refugees and migrants in modern societies are protected at the international and national levels. While the first decisions made were declarative in nature, the current legal framework is quite extensive, including quite detailed international conventions and national laws. The results confirm the opinion of Becker (2020) that these elements serve as a reliable basis for the formation of

migration policy, which will challenge the global community in the twenty-first century. The article demonstrates that changes in the legal regulation of the protection of the rights of refugees and migrants (in particular, in the EU) are caused by the growth of their number, including as a result of instability in certain regions. However, the legal framework has a new meaning.

Recent literature also proves that informal intergovernmental contacts have been transformed into a real legal and legislative block of the community, i.e. a significant element of the comprehensive *acquis communautaire*. At the same time, Balaji Naika (2024), Liszkowska (2023) and McAdam & Wood (2021), respectively, have successfully implemented programmes that have made progress towards the formation of a peak-free space in Europe, intensified the process of internal European mobility, and shaped the legal aspects of receiving immigrants and refugees. Also, according to the studies of other scholars, in particular, Sciacaluga (2020) and Cope (2022), it should be acknowledged that in addition to the development of legislation and the creation of special institutions, multilateral operations are currently being organised to facilitate the integration of refugees into a new socio-cultural space. These views are also consistent with the results of other reputable scholars (Boucher & Gördemann, 2020; Marques, 2023). However, despite these mechanisms, some researchers argue that it can be difficult for refugees and migrants to integrate into a new environment. In particular, this view is advocated by Mantouvalou (2023), whose study raises the issue of labour migration and migrant workers, and Cenker & Holder (2020) describe cases of human rights violations observed among refugees. It is also worth agreeing with other authors that the mentality of the local population or certain cultural traditions and social transformations can negatively affect the effective integration of migrants (Schuster, 2022). At the same time, modern scholars have studied in detail the impact of legal mechanisms on refugee status and protection. Studies also show that constant changes in legislation and political strategies amid global problems and challenges complicate the process of refugees' integration into another space (Buhaichuk et al., 2021; Grandi, 2020). The authors of this article also support these considerations. Modern studies have also confirmed the thesis of a direct relationship between the level of economic development and migration processes (Kozlovsky & Mazur, 2017; Zayukov et al., 2024). Some contemporary authors, unlike this study, have focused on the economic consequences of migration processes, for example, those occurring in the labour market (Bielewska et al., 2024). At the same time, the findings by modern scholars demonstrated that refugees with full access to educational services and professional support have great potential for the country in which they are actively working (Korolova et al., 2022; Bobro, 2024). Thus, the results of modern scholars also reveal current trends in the study of mechanisms for regulating refugee status and its protection (Niemann & Zaun, 2023). Thus, this comprehensive discussion reflects the current practical solutions used in modern countries. Thus, the novelty of this work is a comprehensive study of the main legal aspects of refugee and migrant protection, with a special focus on the experience of EU countries.

However, it is necessary to emphasise certain limitations. An important limitation is the consideration of only modern data from the literature with complete disregard for the previous results of scientists (before 2019). It should also be acknowledged that only English-language literature was used; works written in other languages were not used in this study. Therefore, it is possible that certain aspects of local national legislation are missed. Although this is an important limitation of this study, the lack of knowledge of other languages and limited access to resources written in other languages did not facilitate the use of other sources. Nevertheless, this paper provides new insights into the importance of legal protection for refugees worldwide. The authors of this article believe that further discussion and comparison of the findings will contribute to the development of more comprehensive and effective legal mechanisms and strategies for the protection of refugee rights.

Conclusions and Implications

Thus, the study of the legal aspects of migration processes in the modern world through the prism of defining the rights of refugees and migrants has demonstrated that the increase in the number of migrants and refugees has actualised the development and formation of an appropriate legal framework. Current trends in combating illegal immigration are aimed at conducting an effective migration policy that would allow regulating the flow of refugees and providing them with all the necessary legal support and protection. Given that modern laws at the international and national levels guarantee individuals the right to life, housing, social assistance, employment, etc., the next steps in integrating migrants and refugees into the new environment will be to speed up bureaucratic procedures and promptly regulate the regulatory framework.

The EU's policy of maximising the use of existing international conventions (in particular, the UN) as a basis for national legislation is an illustrative example of how to address the emigration crisis. The norms of national legislation allow taking into account the current needs of migration policy, protecting refugees and migrants, guaranteeing their basic rights and protecting them from harassment and discrimination in a new country. This process is implemented through relevant programmes that contain the basics of social integration, the right to education and training, etc. the legal entrenchment of such norms in legislation allows them to be implemented in practice, primarily in matters of relations with migrants and refugees who arrived legally. In particular, when studying the experience of EU states, it is important to highlight the development of a model of legal cooperation between several states on the migration issue. This refers to the reception of refugees at the border, the distribution of responsibilities for their legal status among EU member states, and the organisation of legal cooperation with the countries of origin. Obviously, the proposed mechanisms of legal mutual assistance will become important benchmarks in the future.

Suggestions for Future Research

At the same time, a promising area for further research on the issue is to determine the consequences of practical actions to regulate the status and role of refugees and migrants in European countries. It is also argued that explosive waves of migration associated with military operations will require the development and implementation of more rapid procedures that will also make it impossible to fraudulently obtain refugee status and strengthen legal guarantees for those refugees and migrants who really need them but agree to integrate into society, having received a certain set of initial rights.

It is also worth noting that the formation of a legal framework for an effective migration policy is an extremely complex process. Decisions made on migration issues are at the centre of public debate, as they involve public sensitivity, national security and human rights. Some difficulties arise with the implementation of decisions, their interpretation in different countries, etc. There is a real danger that the migration problem will be regulated by national legislation, while international law will be ignored. Obviously, the selection and implementation of strategies for adopting the legal framework for migration policy will require further consideration and compromise. This is especially true against the background of overcoming the complications of legal regulation caused by the opposition of diametrically opposed political and legal views, ranging from the policy of supporting and protecting multiculturalism, protesting against new forms of 'colonisation' to isolationism and xenophobia, which in some countries (for example, in modern Russia) is turning into state policy.

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