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Resilience observatory on the rule
of law in EU accession candidates

RESILIO-ACCESS Snapshot Series

**Order and Security as Pillars of Rule of
Law Resilience**

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1. Introduction

The connection between order, security, and the rule of law is foundational for a functional state, particularly in democratic settings. The state relies on institutions and norms that govern the community and it must endeavour to enforce them effectively and consistently in order to sustain an enabling environment in which individuals can exercise their fundamental rights and freedoms with predictability and without fear.

While the rule of law presupposes that order and security are guaranteed, it nevertheless provides ground rules for exceptional situations when this is not the case. Conversely, without the constraints imposed by the rule of law, an excessive emphasis on maintaining order and security could push the state across the line separating democracy from autocracy.

This RESILIO-ACCESS Snapshot aims to explain how order and security contribute to the resilience of the rule of law. To this end, it first outlines the concepts used in the RESILIO-Access framework. It then proceeds to analyse how order and security, on the one hand, and the rule of law,

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on the other, correlate and influence each other. Finally, a brief overview of order and security stressors and scores in EU accession countries is presented, alongside the EU assistance framework.

2. Conceptual framework

Providing order and security is one of the core functions of the state. It is also one of the key benefits individuals gain when they enter into a social contract, transferring their sovereignty to the state.¹ A state that cannot fulfil this function is considered a failed state, loses legitimacy in the eyes of its citizens, and cannot command their obedience.²

Order refers to a stable, predictable, and organised state of affairs in which society operates within a clear framework of rules and norms. It ensures that daily life, governance, and social interactions are neither chaotic nor subject to arbitrary force. In a democracy, order is not about enforcing uniformity or suppressing dissent. Democratic order is about creating a framework in which citizens can exercise their freedoms without infringing the rights of others. Order implies that the state functions smoothly, without difficulties or delay. This does not arise spontaneously, but is supported by the state’s monopoly on force.³

Security refers to the absence of fear (subjective dimension) and protection from threats (objective dimension). Security is an “essentially contested” concept as it raises seven key questions: security for whom, for which values, to what extent, from which threats, by what means, at what cost, and

over what time period?⁴ Answers to these questions vary, resulting in different levels of referent objects (individual, national, regional, or global) and different sectors (military, political, societal, economic, environmental),⁵ which can sometimes stand in mutual conflict. National security refers to the protection of national interests and the safeguarding of key components of the state – sovereignty, territorial integrity, and population – from external and internal threats. Human security, in its most basic sense, entails the safety of life and property, as well as freedom from fear, want, and indignity in the broader sense.

The World Justice Project (WJP) includes order and security as one of nine factors for measuring the rule of law. It comprises three indicators: whether or not crime is effectively controlled (and perceived as such); civil conflict is effectively limited; and when people do not resort to violence to redress personal grievances.⁶ The WJP approach is human-centric, as it assesses the extent to which the state protects its citizens from these threats. The V-Dem Physical Violence Index adopts a similar approach but focuses on the state not as a provider of security but rather as a potential threat to human security through repression. Within this framework, physical integrity is understood as “freedom from political killings and torture by the government”.⁷

As for the rule of law, the RESILIO-ACCESS framework uses a definition relying on the wording of the European Commission and the WJP that understands it to be “a durable system of laws, institutions, norms, and community commitment”.⁸ This also includes substantive components such as democracy and fundamental rights as well as the principles of legality, legal certainty, and equality before the law, among others.⁹ In this conception, the resilience of the rule of law refers to its capacity to sustain its core function, structure, and purpose when faced with hazardous events or incremental threats.¹⁰ Resilience covers the ability to anticipate threats, absorb and accommodate them when they arise, and, finally, to recover from them.

3. Interplay between order and security and the rule of law: striking the right balance

The RESILIO-ACCESS framework regards order and security as a primary resource for the resilience capacity of the rule of law. Order and security create the conditions in which both the rule of law and the fundamental rights and freedoms it seeks to advance can flourish.

First, order ensures consistency in legal enforcement, which is underpinned by the state’s monopoly on the use of force. It guarantees that society operates within a structured framework where legal norms are respected and disputes can be effectively resolved. Without order, laws may be disregarded, and anarchy can undermine the rule of law. If the state cannot maintain basic order, laws can become irrelevant, as individuals or groups may act outside the legal framework, taking justice and dispute resolution into their own hands.

Second, order and security enhance public trust in the political-legal system. When a state effectively maintains order and ensures security for its citizens, it reinforces the legitimacy of its legal system and increases regime stability. The trust generated by a sense of security and order is crucial for the sustainability of the rule of law, as citizens are more inclined to respect and obey laws they perceive as both legitimate and effectively enforced.

Third, security creates a safe environment in which individuals can exercise their rights and justice can be administered. Without security, the focus of both the state and citizens shifts to mobilising all available means to re-establish it, by effectively managing risks and countering threats. In such conditions, the state moves from business-as-usual to an extraordinary situation, during which it can apply emergency measures that deviate from the regular rules governing the state, including the use of force and the limitation of fundamental rights and freedoms. This typically occurs in instances of armed conflict, whether international or internal, or other existential threats to the state and its population, such as terrorism, cyber-attacks, epidemics, or large-scale natural or human-caused catastrophes. Moreover, only in a secure environment can the independence of state institutions, such as the judiciary, be exercised without fear or intimidation, allowing prosecutors to act and courts to rule based on law rather than external pressures or threats.

On the other hand, prioritising security can easily become a pretext for the centralisation of power, the expansion of the prerogatives of security forces, the marginalisation of oversight mechanisms, the postponement of elections, media censorship, and the suppression of fundamental rights and freedoms, thereby undermining the rule of law in both the short and long term. According to securitisation theory, governments may strategically frame certain

issues as existential threats to justify extraordinary measures that bypass legal constraints.¹¹ Governments may frame opposition movements or large-scale protests as threats to national security, often invoking terrorism, foreign interference, or instability. This framing can be used to justify increased repression of regime dissenters and the introduction of a state of exception in the short term. It may also have long-term consequences when employed as a pretext to reduce guaranteed rights and freedoms through legal changes. For example, anti-terrorism measures in the United States following 9/11 2001 justified increased monitoring of internet and telecommunications communications and data retention worldwide.

Authoritarian governments deliberately conflate national security with the stability of their rule. The securitisation of Western influence and protest movement led Georgia to adopt legislation restricting freedoms of expression, assembly, and association, while arresting opposition leaders, journalists, and protestors who now face criminal charges.¹² In Serbia, after months of mass civic and student protests labelled as a “coloured revolution”, the regime has attempted to criminalise any road blockades and calls for protests in this form.¹³ Individual protesters have already been arrested, held in detention for excessive periods, and charged with attempting to overthrow the constitutional order. Moreover, many foreign nationals have been expelled from the country.¹⁴

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While order and security enable the rule of law to function effectively, the rule of law ensures that the state’s power is not abused in the name of maintaining order or security and remains within boundaries that respect individual rights, liberties, and democratic principles.

Order without the rule of law is imposed through coercion, violence, or repression, which is costly and unsustainable in the long term. This type of order may create superficial stability, but it lacks legitimacy and fairness and risks devolving into authoritarianism. Such regimes maintain order by controlling all political opposition and suppressing civil liberties, generating grievances that can lead to resistance and civil disobedience. Citizens begin to question the

legitimacy of the state’s actions and may resist or even revolt against the authorities. Civic mobilisation in the form of nonviolent protest, defying laws or government orders perceived as unjust or illegitimate, is also a symptom of a deeper lack of trust in the legal system and the breakdown of the social contract that underpins order and security. Since autumn 2024, nonviolent protests in Serbia, Turkey, and Georgia demanding the rule of law, among other things, have been met with repression, further widening the gap between government and citizens and deepening social and political polarisation in all three countries.

The rule of law also serves to constrain security policies. It requires accountability of the executive and oversight over the security sector. National constitutions provide procedures for declaring a state of exception and establish basic rules that must apply even in such circumstances, anticipating crises and creating a framework to manage them in advance.¹⁵ The rule of law allows for this flexibility so that the state of exception does not devolve into a state of lawlessness.

4. Order and security in the EU accession countries

Across EU accession countries, the most severe stressor to order and security is the ongoing armed conflict in Ukraine, where full-scale Russian aggression continues to undermine institutional stability and public safety and the government cannot effectively exercise control over its territory. Beyond this exceptional case, organised crime remains a pervasive threat across accession regions, eroding governance and infiltrating state structures. A key structural vulnerability in most accession countries is the lack of police autonomy and accountability. This deficiency, repeatedly stressed in European Commission’s (EC) annual reports for Chapter 24 (Justice, Freedom and Security) in the accession process, fosters political interference, unprofessional conduct, and susceptibility to criminal influence, resulting in selective law enforcement and diminished public trust in institutions. Across all countries, the EC emphasises the gap between legislative progress and operational results, derived from lack of implementation. Table 1 compares scores of EU accession countries in relevant indices and reports. Most countries score between 0.76 and 0.84 on the Order and Security factor of the Rule of Law Index, with Kosovo and Moldova performing best, while Ukraine scores lowest. On the V-Dem Physical Vio-

lence Index, Montenegro and Albania show the least violence; whereas, Ukraine and Georgia record the highest levels among selected countries. The GITOC Organized Crime Index ranks Ukraine and Serbia as the most affected by criminality, with Georgia the least affected. According

to the European Commission, Montenegro is best prepared and Albania is progressing most rapidly in Chapter 24, although none of the countries is well advanced with necessary reforms.

Table 1: Selected countries' scores from relevant indices/reports

Country	WJP Rule of Law Index – Order and Security ¹⁸	V-Dem Physical Violence Index ¹⁹	GITOC Organized Crime Index – Criminality Score ²⁰	European Commission's assessment of the level of preparedness in Chapter 24 ²¹
Last published year	2025	2024	2025	2025
Scale	0-1 (lowest to highest)	0-1 (highest to lowest)	1-10 (lowest to highest)	1-5 (early stage to well advanced)
Albania	0.77	0.95	5.2	3
Bosnia and Herzegovina	0.77	0.91	5.92	2
Georgia	0.78	0.77	3.87	2
Kosovo²²	0.84	0.93	/	2
Moldova	0.82	0.89	5.53	2
Montenegro	0.82	0.96	5.82	3.5
North Macedonia	0.8	0.82	5	3
Serbia	0.76	0.89	6.18	2.5
Ukraine	0.62	0.62	6.45	2

Source: author's compilation.

The EU supports order, security, and the rule of law in these countries through its comprehensive enlargement policy, in which Chapters 23 and 24 belong to the Fundamentals and form the core of its conditionality approach. Within this framework, the EU provides standards to be met, as well as financial and technical assistance and monitoring. Chapter 24 aims to harmonise the candidate country with the EU Area of Freedom, Security and Justice; it focuses on ensuring the security, rights, and freedoms of citizens, while promoting international cooperation in addressing common security threats and challenges, such as organised crime, terrorism, or illegal migration. This typically presupposes police reform, and in some cases also a reassessment of the roles of other security services in law enforcement and criminal investigations.¹⁶ However, the EU's approach towards Western Balkans enlargement has been criticised for prioritising stability over democracy and rule of law reforms, which indeed has backfired.¹⁷ Meanwhile, the recent revitalisa-

tion and expansion of the enlargement policy comes as an urgent response to the growing security threat from Russia.

Furthermore, the EU is assisting several of the listed countries through civilian and military missions in the framework of the EU Common Security and Defence Policy. For instance, EUAM Ukraine and EUMAM Ukraine are assisting Kyiv in reforming its civilian security sector and training its armed forces amid ongoing aggression; while EULEX Kosovo is helping to build accountable rule of law and law enforcement institutions, even having limited executive functions. EUMM Georgia is monitoring post-conflict ceasefire lines to prevent renewed violence, and the EU Partnership Mission in Moldova is enhancing resilience against hybrid and cyber threats. In Bosnia and Herzegovina, EUFOR Althea has been maintaining a safe and secure environment and ensuring compliance with the Dayton Peace Agreement. Ukraine also receives financial

and military support to defy the aggressor, *inter alia* with delivery of military equipment under the European Peace Facility.

5. Conclusion

Order and security are essential for rule of law resilience. They provide the conditions in which laws are applied consistently, institutions operate smoothly, and citizens feel safe to exercise their rights and freedoms without fear. This increases their trust in the legal and political system, which in turn contributes to its ability to absorb and accommodate shocks and threats. However, this is a matter of delicate balance. On the one hand, less order and security can lead to anarchy and chaos, without predictability and proper legal enforcement. On the other hand, too much focus on order and security can also undermine the rule of law, leading to authoritarian tendencies with centralisation of power, repression of dissent, and chilling effect for fundamental rights and freedoms. Such an approach deliberately equates regime survival with national security, diminishes trust in the legal system, increases social polarisation and disempowers citizens, which finally leads to disorder and insecurity. That is why there is no long-term stability without the rule of law. The rule of law ensures that order and security are achieved within legal boundaries, guaranteeing that they serve legitimate public interest.

“Order and security [...] provide the conditions in which laws are applied consistently, institutions operate smoothly, and citizens feel safe to exercise their rights and freedoms without fear.”

Across EU accession states, Ukraine defending itself against aggression shows the lowest level of order and security, which makes it more difficult to sustain and improve the rule of law. In Serbia and Georgia, governments are forcing order against non-violent mass protests demanding rule of law and free and fair elections. Organised crime is one of the key stressors in both accession regions, and is often met with weak policing. The EU supports reforms to bolster both security and rule of law in candidate countries mostly through its enlargement framework, particularly Chapters 23 and 24. However, al-

though this framework frontloads rule of law, democracy, and fundamental rights, in practice, the EU has been rather prioritising stability and security concerns.

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About the author

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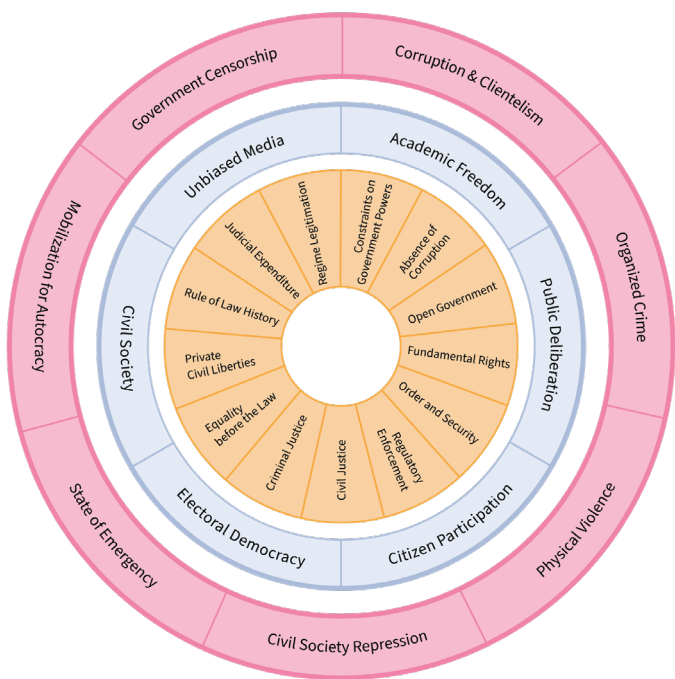
About the project

RESILIO-ACCESS investigates the resilience of the rule of law in the current (potential) candidate states for EU accession. The project explores how to measure the resilience of the rule of law and assesses the potential of the EU's enlargement policy toolbox to foster resilience in the region. Resilience here means the capacity of the rule of law to prevent, cope with or recover from hazardous events or incremental threats without losing its core function, structure and purpose.

About the paper

This paper is part of the **#RESILIO-ACCESS Snapshot Series**, a collection of compact analyses that explain ties between resilience resources of the rule of law identified by the RESILIO-ACCESS model.

RESILIENCE RESOURCES AND STRESSORS



The RESILIO-ACCESS model is based on three dimensions: The system of the rule of law itself provides primary resilience resources such as an effective judicial system, the protection of fundamental rights, and regulatory enforcement.

These resources are embedded into a social environment with subsidiary resilience resources such as civil society, academia, and the media.

However, these resources are constantly being challenged by threats such as autocracy, corruption, violence, or censorship. The characteristics of each dimension, their interactions and their conditions of resilience resources determine the overall resilience capacity of the rule of law.

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