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The influence of political parties on the development of civil society and the state

Вплив політичних партій на розвиток громадянського суспільства і держави

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Abstract

The article examines the influence of political parties as an association of citizens on the emergence of civil society and the development of the state.

The object of the study is to determine the political and legal significance of political parties as subjects of relations and their influence on the development of civil society and the state. The following methodological principles and methods were used as a basis for the study: the principle of historicism; the principle of systematicity; logical-theoretical method; structural and functional methods help to determine the nature of the influence of parties on the development of civil society; sociological methods (information analysis method, observation method)

The purpose of this article is to determine the influence of political parties on the emergence of civil society and the state. It is stated that multiparty characterization is a characteristic of a democratic society, which is characterized by the institutionalized pluralism of political interests and where it is a practical realization of the basic political freedoms of citizens. The definition of the party, in addition to purely theoretical, has a practical character. After all, the presence in a particular organization of the features of the "party" depends on its respective legal status, its rights and obligations, a special functional position in the state mechanism.

Анотація

У статті розглянуто вплив політичних партій як об'єднання громадян на становлення громадянського суспільства та розвиток держави.

Об'єктом дослідження є визначення політичного та правового значення політичних партій як суб'єктів відносин та їх вплив на становлення громадянського суспільства та держави. В основі дослідження використані наступні методологічні принципи та методи: принцип історизма; принцип системності; логічно-теоретичний метод; структурно-функціональні методи допомагають визначити характер впливу партій на розвиток громадянського суспільства; соціологічні методи (метод аналізу інформації, метод спостереження)

Метою даної статті є визначення впливу політичних партій на становлення громадянського суспільства та держави. Зазначено, що багатопартійність є характерною ознакою демократичного суспільства, якому притаманні інституціалізований плюралізм політичних інтересів і де вона є практичною реалізацією основних політичних свобод громадян. Визначення поняття партії, крім суто теоретичного має і практичний характер. Адже від наявності в тієї чи іншої організації ознак «партії» залежить її відповідний правовий статус, її права та обов'язки, особливе функціональне становище в державному механізмі.

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The authors conclude that the main institutional form of citizens' associations, which ensures the formation of their political will, as well as the expression of political will of different social groups in state bodies, are political parties, which is enshrined in the Constitution, laws and other normative - legal acts.

Key words: political parties, civil society, state, political system.

Introduction

In legal science, it has been repeatedly stated that political parties must play a significant unifying role in the relationship between civil society (as a non-political sphere) and the state (as a political sphere). Expressing the diverse needs and interests of civil society (individuals, social groups, classes, and so on) in political form (in the form of a specific political goal, ideas, programs, requirements, attitudes, draft decisions, events, etc.), parties, as organized representatives of society, thus express the right of civil society to form state power, participate in its exercise, etc.

It is through public associations, social and political movements, political parties that the general population is involved in active state-making activity, and the political and economic interests of a particular part of society (people, nations, social groups, etc.) are realized and protected.

They are a form of connection between civil society and the state. The authorities also use political parties to appeal to the people for decision support certain issues. It so happened that for a long time, there was a one-party system that resulted in restrictions and bans on political parties.

The party and the state authorities influenced public opinion without allowing any independent expression of the population on political issues. With the advent of multiparty practice, the number of political parties in Ukraine has been steadily increasing, which testifies to the right and ability of civil society to develop and influence public authorities freely. Legal registration of the multiparty of modern Ukraine was initiated in 1990 due to the abolition of art. 6 and 7 of the Constitution of the USSR (1978), which secured a one-party system. According to the National Register of Legal Entities, there are 349 political parties registered in Ukraine today.

Авторами був зроблений висновок про те, що головною інституційною формою об'єднання громадян, що забезпечує формування їх політичного волевиявлення, а також вираз політичної волі різних соціальних груп в органах державної влади, є політичні партії, що знаходять закріплення в Конституції, законах та інших нормативно-правових актах.

Ключові слова: політичні партії, громадянське суспільство, держава, політична система.

[Register of political parties of Ukraine. Ministry of Justice of Ukraine]

The purpose of this study is to conduct a comprehensive comparative analysis of the concept of "political party" to identify the general and special in the legal status of political parties and their impact on the formation of civil society and the state.

At the beginning of the study we formulated the following hypotheses, which were confirmed in the process: political parties are entities that not only express certain needs, interests and goals of individual social groups, but consolidate the political interests of citizens, contribute to the political will of the population; political parties - one of the types of public associations, citizens exercise their right to participate in the management of state affairs in the case of participation in the establishment and operation of political parties; parties take an active part in the formation and functioning of the mechanism of state power.

The state and political parties are key actors in the political system, and its stability largely depends on their successful cooperation. Meanwhile, legislative elaboration of this issue continues to be an urgent problem in Ukraine. The legislator, prescribing the requirements for the establishment, operation of political parties, their responsibilities, did not enshrine the main thing - the order of interaction between the state and political parties, all of the above emphasizes the relevance of the study.

Theoretical framework

The history of the development of Ukrainian political parties has attracted the attention of historians, political scientists and lawyers, and has been the subject of much scientific research. Only during the years 1921-2019. In Ukraine

published about 30 books, published 50 articles and pamphlets on the subject, and by scientists of Ukrainian diaspora - 15 and 18 respectively. Theoretical conclusions are based on the general achievements of both legal science and political including the results of studies of such domestic and foreign scientists: A.M. Danevskaya (2016) M. Duverger (2005), R.V. Engibaryan (2007) Ye. O. Kharytonov (2005), Y. Shved (2012), Y.I. Matveenko (2014) A.Yu. Ashkerov, M.A. Budaragin, N.V. Garadga (2007), T.B. Beknazar-Yuzbashev (1988), N.V. Bogasheva (2013), K. Janda (1997) and other but the issue of the influence of political parties on the development of civil society and the state requires a comprehensive political and legal study.

Methodology

This study is an attempt to combine political and legal approaches to the influence of political parties on the development of civil society and the state.

The political science approach allows us to understand the specifics of the parties' conceptual approaches to the state in combination with their ideological and political orientation and strategy. Jurisprudence tools reveal the nuances in the approaches of parties to the state, in their interpretation of the nature and internal nature of the state and certain aspects of statehood.

The following methodological principles were used as a basis for the study:

- the principle of historicism, since it is impossible without analysis of the parties, the evolution of which took a large time;
- the principle of systematic, since it is impossible to consider the evolution and activity of different parties in isolation from the development and functioning of political and other public systems.

Based on these methodological principles, the following methods were used:

- logical-theoretical method allows to characterize different scientific concepts, to compare and critically analyze a large number of general and private provisions on the concept of "political parties" in political science and law.
- structural and functional methods help to determine the nature of the influence of parties on the development of civil society.

In addition, the authors seek to use sociological methods that are applied to clarify the specific approach of political parties to the state, taking into account their specificity. The use of the document analysis method made it possible to analyze the primary documents of individual political parties, and thanks to the observation method it was possible to investigate the influence of political parties on the development of civil society and the state.

Results and discussion

Political parties are one of the most important institutions of the political system of society. In many ways, political parties determine the nature and direction of the political process, the strategy and tactics of seizing power, the political stability of society and the state. On the basis of political processes taking place in the countries, their ideology, functional system, party structure is formed at a certain point in time. [Matveenko, 2014]

Parties in each country are the product of socio-political and cultural-historical development, and their diversity is determined primarily by the imposition of specific features of the country - its historical traditions, demographic and ethno-cultural processes, religious situation, etc. - on the general functionally determined patterns of formation and vital activity.

Ukraine has a multi-party system and 1st rank in Europe by number of political parties- as of January 1, 2020, 349 political parties are registered in Ukraine [Political parties that are registered as of January 1, 2020]. By comparison, for example, Slovakia registered 56 parties, Romania - 124, the Russian Federation - 77, Moldova - 45, Latvia - 73, Lithuania - 38.

By exercising the right to participate in the creation and activities of political parties, citizens exercise their right to participate in the administration of affairs of the state. For protection authorized person has the right to independently carry out the restoration of the violated right within the limits and in the manner prescribed by law (self-defense) or to apply to the authorized by statebody, self-governing or public authority or aperson for the protection of his/herright or interest.[Goncharenko, Spasova, Kalitenko, 2019]

Parties are actively involved in the formation and functioning of the mechanism of state power, bear political responsibility for the activities of

their representatives in public authorities and local self-government.

Expressing the various needs and interests of civil society (individuals, social groups, classes, classes, and so on) in political form (in the form of a specific political goal, ideas, programs, requirements, attitudes, draft decisions, events, and so on), parties as organized representatives of the society thus also express the right of civil society to the formation of state power, participation in its exercise, etc.

The legal approach to politics proceeds from the fact that the sole source of political (state) power and its supreme bearer (that is, bearer of sovereignty) is the people; accordingly, the state is the institutional (organizational) form of existence and action of the same political power, and the legal law is the normative form of its existence and action.

Moreover, this internal organizational power in a political party of the parliamentary type (the way of forming the governing bodies of the party, their powers, the procedure for adopting the statute and its content, the rights and responsibilities of party members, and so on) should be established and exercised in accordance with the constitutional rights of citizens integration, on the basis of the current legislation, in the framework of democratic procedures in compliance with the requirements of the principle of legal equality of all citizens, the voluntary nature of their membership in the party and so on. [Danevskaya, 2016]

Sociologist Max Weber considered political parties as public associations based on voluntary, conscious membership and aimed at gaining power to lead and govern society and to provide active members with certain benefits (spiritual and material) or personal privileges, or both. [Weber, 1998]

The notion of the party needs research not only from the point of view of legal definition. Accordingly, it is necessary to distinguish between the general state-legal meaning of this concept and the specific legal definition of the party in the legislation - the former becomes meaningful as a result of consideration of the party in the context of its interaction with the whole system of state, socio-political and legal institutions, the second is the direct registration of the status of parties in legislation, a form of specific normative portrayal of a political party as a certain social phenomenon in law.

The problem of defining the notion of the party become additional importance in terms of clarifying and solving those methodological problems that are related to the ambiguity of the interpretations used in classical and modern political science.

Like any political and legal category, the concept of "party" is substantively conditioned by the objective regularities of the historical development process. The name "party" that characterizes political group isolated society, was for a long time, while the same political party in its modern sense arose only in the middle of the XIX century. This discrepancy between the name and nature of a political party creates a number of difficulties in attempting to determine the historical evolution of parties. [Kononchuk, Yarosh, 2013]

As rightly noted by T.B. Beknazar-Yuzbashev, for the legislator "since ancient times it was difficult to legally form an institution of political parties", since "by their origin, their sphere of activity, the functional purpose of the party are more of a political than a state-legal category" [Beknazar-Yuzbashev, 1988]

Some scholars see political parties as a community of people united by a common ideology or acting on a common agenda. Others pay attention to organizational construction, social composition, ideological doctrine and more.

As R.V Engibaryan noted, in spite of this, the components, parties, links of the political system declare: state, political regime, often political parties, sometimes political ideology, as well as political norms (including the rule of constitution in the system of law). [Engibaryan, 2007]

The first theory of a political party in its modern sense was given by the English politician E. Burke. As a political party, he understood: «the organization of people united to promote a common national interest effort, guided by some specific principle on which they came to the general idea». It should be noted that he did not always positively evaluate the activities of political parties, noting that «the strengthening of parties and strife among them indicates the weakness of the state as a whole». [Burke, 2001] In his turn, M. Duverger defines political parties as an instrument of expression, formation and representation of public opinion, a means of political self-determination of citizens and a subject of government's responsibility to them. There is another definition from M. Duverger

that a political party is a kind of institution, a feature of which has become a special structure and organization. [Duverger, 2005]

One well-known western researcher, E. Neumann, formulated the following definition of the party as "statutory organizations of political agents of society who are associated with governmental control and who compete for popular support with another group or groups". [Neumann, 1956]

The definition of Yu.S. Gambarov: "parties are free groups of citizens who form within the rule of law to act together on the basis of common interests and ideas of common nature". [Gambarov, 1905]

The definition proposed by K. Janda is "organizations that are intended to replace government positions with their recognized representatives". [Janda, 1997]

When we say "political party", in general we all understand well what kind of social phenomenon we are talking about, but this well-known social phenomenon requires proper legal regulation, given the number of different legal relationships a political party is a party to. However, this concept does not cause as much confusion and debate as some other concepts of political science. Such an understanding of the essence of a political party's concept generally facilitates its definition. [Shveda, 2012]

However, a closer look reveals that by a simple and understandable, at first glance, definition actually lies many complex issues and controversies. Some of them are related to terminology. Let's say, not in all proper party names we can find the word "party". Often, other terms are used here, such as "union" (Union of Democratic Forces), "movement" (People's Movement of Ukraine), "unification" (Union in support of the Republic.) These names often outline political and programmatic goals, and sometimes aim to conceal the party character of the organization. Concepts such as "union", "movement", "congress" testify to the nationwide, non-partisan nature of the group. However, in characterizing these associations as a particular social and legal phenomenon, we do not have to pay attention to their own name or even their programmatic declaration. Given a particular grouping of political parties, we must proceed from certain objective characteristics of the organization, which serve as the basic criteria for defining the concept of party.

In the legal literature, by analyzing the definitions of a political party contained in both the constitutions and the special laws on political parties, the list of common features that, in the aggregate, provide the citizens with political party unification. [Gayeva, 2005]

The analytical difficulties of defining the essence of the term "party" are due to the specificity and variety of approaches that are used. According to L. Gonyukova the following approaches should be distinguished:

- first, abstract-intuitive formulations such as: "party is a state in a state", "mediator" between state and society, "bridge from masses to leader" and so on. Proponents of this approach claim that a precise definition of the term "party" is possible only in an extremely abstract and generalized form. In fact, such definitions-slogans have a politico-pragmatic character, and in theory they are more likely to interfere than to contribute to defining the essence of the concept.
- secondly, within the framework of state-political theory, clearer, general definitions were developed, by which attempts were made in a single form to identify and take into account the specific nature of political parties as phenomena of social, political and state life, peculiarities of their role in the state, functions, organizational form.
- finally, the third approach to defining a political party is to attempt to define the party not through its defining criterion, but through the whole system of features. This is the most constructive approach.

Political parties are just one type of public association. Fundamental to civil law - the regulation has the definition of a "political party", which will distinguish political parties as a specific subject of civil law from other entities. [Gonyukova, 2010]

The main feature that distinguishes political parties from state structures is voluntary association. Political parties recruit members through agitation and propaganda of their opinions and beliefs. Being in a political party allows freedom to withdraw from it when the original solidarity of a party member with the purpose, existence, means and methods of action of a political organization, association is lost.

A political party always unites and reflects the interests of only a part of society, social community of people. No political party can

claim to express the will of the whole people. In totalitarian systems, the political party claims the monopoly of political power and control, that is, it declares its universality, which is a feature of the state.

Finally, the political party is less organized (branching of the administrative apparatus) than the bodies and structures of state power. [Bogasheva, 2010]

In addition, the activities of the party, like any political institute of modern society, are based on legal norms. However, the logic of the development of political parties and party systems is subordinated to the most important social laws, often not subject to the legislator. The consolidation in the legislation of the institute of political parties implies a long and not contradictory process of their organizational and political formation. [Ashkerov, Budaragin, Garadga, 2007]

Political parties seek to seize state power, while no public organization has such a direct aim, although as one element political function in the activity of public organizations is present. Even unlike social structures, political parties interact directly with the state government, filling the political process in society with real meaning. In addition, political parties, for the most part, allow the ideological community of their members, their integration into a single system of political beliefs that is not specific to the needs of public (professional, veteran, women's, student, etc.) organizations and associations.

The state cannot determine the number of political parties, their ideological orientation, but it establishes the legal status of these organizations.

Political parties always have a specific name, slogans, mottoes and other political symbols that probably indicate on one hand their ideological orientation and on the other are elements of a legal entity, which has the name and symbolism. A political party acts on the basis of the program (Article 7 of the Law of Ukraine "On Political Parties" as a subject of politics, and the charter as a legal entity (Article 8, 9 of the Law of Ukraine "On Political Parties" (2001). Pursuant to Article 90 of the Civil Code of Ukraine (2003), a legal entity has a name that contains information on its organizational and legal form. [Kharytonov, 2005]

V.E. Chirkin distinguishes the following legal features of political parties as a special public association:

First, the party is an association of citizens of the state;

Secondly, the party is a stable organization bringing together members on a long or continuous basis on the basis of ideological factors, first of all the commonality of political beliefs and goals, which is concentrated in the party's program documents: the ideological factor, as a mandatory feature of membership, distinguishes party from other non-governmental organizations - trade unions, women's organizations, cultural or sports associations, and directly expressed in the political party's program.

Third, parties are not-for-profit organizations, profit is not their purpose;

Fourth, the party aims to gain political power, to participate in the formation of state bodies, especially the government. [Chirkin, 2001]

That political parties impart specific context and coloring political life, summarizing and digesting a particular historical and cultural experience of the nation, especially its social structure and traditions of political culture. [Bogasheva, 2013]

Any kind of political activity is carried out in organized forms - through joint actions, subordinate to a single purpose and governed by certain rules, norms adopted in this community. It is through the organization that the ideological or moral power is translated into material, ideas become rules of behavior. As a result, the organization is the most important means of forming a single will. In the cases when the people of a country enter into political relations, without having at least to some extent a developed political organization, its functions are assumed by other forces: the army, tribal structures, religious communities.

Conclusions

Thus, a political party is a voluntary self-governing association of citizens, created on their own initiative to jointly realize the goals and objectives, to uphold their own ideas for the development of society. At the same time, it is one of the basic institutions of the political system of society, contributing to the reproduction and rotation of the political elite. Parties are the link between the state and the

citizens, ensuring the integrity and stability of the political system. The existence of political parties is equally impossible both without a society with its diverse interests, which is aggregated and represented by parties, and without a state that embodies public power in society. It should be noted that a prerequisite for the establishment of a democratic rule of law is multi-partyness. It gives an opportunity to take into account the interests of all citizens in public policy and contributes to the stable and dynamic development of society. Political parties are entities that not only express the specific needs, interests and goals of particular social groups, but which consolidate the political interests of citizens, contribute to shaping the political will of the population. A striking example must admit party "servant of the people" that at the elections to the Verkhovna Rada of Ukraine had 73% of votes. Public authorities, local governments, their officials are prohibited from expressing their views on certain political parties or giving them privileges, but today we see the opposite, namely the union of political parties and state authorities.

A political party, defined in jurisprudence as a subject of law, in political science as a practically acting subject or factor of politics, and in sociology is viewed in terms of socialization processes in which the impact of social reality on the activities of political parties and parties on social reality is considered defining. The main forms and methods of political parties' participation in forming the will of the people are: elections to the authorities and participation in the work of state authorities and local self-government. In addition, it should be noted that at the present stage, society, including political parties, has not yet acquired a solid experience of democratic existence.

Special legislative acts set out the basic goals of creating political parties, establish the procedure for the creation and registration of political parties, regulate their activities and relations with public and state institutions in Ukraine. Unlike state institutions, political parties are characterized by: voluntary association and a small degree of organization compared to state institutions.

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