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DEVELOPMENT OF CIVIL SOCIETY AS AN INSTITUTION OF PUBLIC AUTHORITY

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РОЗВИТОК ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА ЯК ІНСТИТУТУ ПУБЛІЧНОЇ ВЛАДИ

It is proved that the development of the concept of civil society can be considered as a consistent change of different models of philosophical and scientific synthesis, namely: the idea of civil society is based on the concepts of "natural law" and social contract; the development of the idea of civil society is associated with the growth of rationalization of public life (the focus of ideologues is no longer the relationship between "natural state" and civil society, but civil society and the state); the idea of changing the very understanding of civil society; ideas of conditions for the transition from the dichotomy "civil society – state" to the formula "personality – civil society – state".

It is studied that in modern literature civil society is considered as a necessary and rational way of human coexistence based on reason and will. It exists within the framework of the freedom of civil interests. It is based on a person who interacts with other members of society.

It is analyzed that the system of non-state horizontal ties and relations based on the principles, aimed at a balanced and comprehensive expression and protection of the legitimate rights and interests of associations and the state. A high level of civil society presupposes the subordination of the state to itself and the service to its interests of state bodies of all branches and all levels of government.

It is noted that a developed civil society has such a degree of independence and autonomy from the state that guarantees the security of the individual from abuses associated with the unfair use of state power. Every member of civil society is first and foremost a subject of law, and only then a citizen of the state, which is why civil society protects human rights, while the state is associated with the rights of the citizen.

It is noted that many European countries have come a long way to a "welfare state." In the course of this process, there was a strong understanding that the boundaries between state power and society cannot be drawn. The new period of relations is characterized by the removal of barriers between civil society and the state, the search for ways to understand.

It is emphasized that although civil society is a self-organizing system, its progress is more successful if the state creates favorable conditions for it. That is why the formation of civil society requires strong public authority based on democracy, recognition of the rule of law and other principles underlying the rule of law.

Доведено, що розвиток концепції громадянського суспільства можна розглядати як послідовну зміну різних моделей філософського і наукового синтезу, а саме: ідея громадянського суспільства заснована на концепціях «природного права» і суспільного договору; розвиток ідеї громадянського суспільства пов'язаний зі зростанням раціоналізації суспільного життя (в центрі уваги ідеологів виявляється вже взаємини не "природного стану" і громадянського суспільства, а громадянського суспільства і держави); ідея зміни саме розуміння громадянського суспільства; ідеї умов для переходу від дихотомії «громадянське суспільство – держава» до формули «особистість – громадянське суспільство – держава».

Досліджено, що у сучасній літературі громадянське суспільство розглядається як необхідний і раціональний спосіб співіснування людей, заснований на розумі і волі. Воно існує в рамках свободи цивільних інтересів. В суспільстві головною є людина та її стосунки з іншими учасниками громадянського суспільства

Проаналізовано, що система недержавних горизонтальних зв'язків і відносин, заснованих на принципах, спрямованих на збалансоване і всебічний вираз і захист законних прав та інтересів об'єднань і держави. Високий рівень громадянського суспільства передбачає підпорядкування собі держави і постановку на службу своїм інтересам державних органів усіх гілок і всіх рівнів влади.

Відзначено, що розвинуте громадянське суспільство має таку ступінь незалежності і автономії від держави, яка гарантує безпеку особистості від зловживань, пов'язаних з недобросовісним використанням державної влади.

Відзначено, що багато європейських держав пройшли тривалий шлях до «держави добробуту». Тим самим, підкреслено, що хоча громадянське суспільство являє собою систему, що самоорганізується, його рух вперед є більш успішним, якщо держава створює для цього сприятливі умови. Ось чому для формування громадянського суспільства необхідна сильна публічна влада, яка ґрунтується на демократії, визнання верховенства права та інших принципах, що лежать в основі правої держави.

Key words: *personal security; civil society; democracy; welfare state; concept; transparency; public authority; self-regulatory system; social contract.*

Ключові слова: безпека особистості; громадянське суспільство; демократія; держава добробуту; концепція; прозорість; публічна влада; саморегулююча система; суспільний договір.

The aim of the article is to consider the development of the concept of civil society as a consistent change of different models of philosophical and scientific synthesis; assess the evolution of the concept of civil society; to determine the qualitative characteristics of the essential features of civil society; substantiate the most important structural elements of civil society.

The formulation of the problem.

The main purpose of civil society is to create conditions that ensure the fullest satisfaction of various material, spiritual, cultural and other needs of the individual. In the conditions of the developed civil society real preconditions for the fullest realization of possibilities and abilities of citizens, the present democracy, freedom of a choice of orientation of the person in social and economic, spiritual and other spheres of a life of a society are created. Being between the individual and the state, acting as a mediator, civil society ensures the subordination of the state to the law, control of public institutions over public authority, non-interference in the private life, protection of rights, freedoms, legitimate interests of citizens and their public associations.

Analysis of recent research and publications.

Domestic philosophers played a significant role in the development of the "natural-legal" concept of civil society. Problems of civil society development are raised in scientific researches of well-known Ukrainian and foreign scientists. V. Barkov, T. Koryshov, F. Rudych and V. Shinkaruk consider current trends and factors in the formation of civil society. H. Simon, P. Hannington consider the same problems through the prism of democratization of society. V. Kremen, Y. Sapelkin, V. Stepanenko define aspects and mechanisms of democracy, as well as human rights in a free democratic society.

Presentation of the main material.

In the scientific literature in the process of historical development of the idea of civil society there are several stages or periods: a) "natural law" period (the emergence and development of the idea in the concepts of "natural law" and the social contract); b) the period of legitimization of the idea (expansion of the sphere of influence, public recognition and affirmation of the ideological dominance of the concept of civil society in the conditions of early political revolutions); c) rationalist period (rational-critical attitude to the idea and its practical implementation); d) the beginning of the "institutional" period.

Thus, the development of the concept of civil society can be seen as a consistent change in different models of philosophical and scientific synthesis.

The first stage of development of the idea of civil society is based on the concepts of "natural law" and the social contract. According to these concepts, civil society replaces the "natural state", which is dominated by the cult of power and "the struggle of all against all." The transition to a civil (i.e. political) state is accompanied by the conclusion of a social agreement or contract, on the basis of which the people and the government build their further relations.

The "natural-legal" period of development of the idea of civil society is associated with the names of Plato, Aristotle, F. Bacon, G. Grotius, T. Hobbes, J. Locke, B. Spinoza, J.-J. Rousseau, P. Holbach, D. Diderot, S. Montesquieu, S. Pufendorf, H. Thomas, and others.

The second stage of development of the idea of civil society is associated with the growth of rationalization of public life. During this period, the focus of ideologues is no longer the relationship between the "natural state" and civil society, and civil society and the state.

The greatest contribution to the development of these problems was made by W. Humboldt, F. Guizot, A. Smith, I. Kant, and A. Tocqueville.

The third stage in the development of the idea of civil society begins in the late XIX - early XX centuries., When there is a further differentiation of social sciences, including institutionalization of sociological science and its transformation into an independent science of society. During this period, the very understanding of civil society is changing. Some elements of the theoretical construction of the ideal social order based on natural law and the social contract are beginning to manifest themselves in the sphere of social reality.

Thus, the concept of civil society acquires an ontological status. The idea of it as a social ideal, the ideal model gives way to the idea, which emphasizes the trends of real change in the modern world due to the development of machine industry and trade, science and technology, democracy and law, religion and morality. It is in this sense that the classics of sociology E. Durkheim and M. Weber consider civil society. And although they do not have the very term "civil society", their analysis of capitalism and the bourgeois form of society should be included in the number of studies on this issue.

The fourth stage of development of the idea of civil society begins of the XX century. At this time, there are conditions for the transition from the dichotomy "civil society – state" to the formula "personality – civil society – state". Civil society is already seen by many researchers as a mediator between the individual and the private sphere of social life, on the one hand, and the state, its institutions, on the other.

In the last years of the XX century there is a tendency of gradual rejection of scientists from a purely rationalist interpretation of civil society and the use of more complex theoretical constructions.

Thus, representatives of the Frankfurt School, as well as supporters of the existential-phenomenological tradition explore the problem of human alienation, intrusion into his living space of the state and other institutions of society.

In general, briefly assessing the evolution of the concept of civil society, we can draw a number of conclusions.

First, despite the different concepts and approaches to understanding the essence of civil society, scientists and philosophers of the XVII-XIX centuries. in their views there are some common criteria, which are expressed in the identification of the state and civil society, the need to conclude a social contract between people in order to establish order and the development of civilized society.

The social contract is considered by many philosophers of this period to be the most important condition for the formation of civil society.

Secondly, the study of European socio-political thought shows that the basis of civil society are universal values, natural human rights, including the right to life, liberty, property, property and others. Civil society does not exist inside or outside the state. Hegel believed that civil society was somewhere "in the middle between the family and the state." The main element in Hegel's doctrine of civil society is man, his role, functions, positions. Civil society, according to Hegel, is a system of individuals, groups and social institutions that do not depend on the political power of the state.

Third, in the middle of the XIX century. along with the liberal-democratic interpretation of civil society, there was another - Marxist, in some essential respects opposed to the liberal-democratic. A distinctive feature of Marxism in the understanding of civil society is a clear distinction between the interests of the state and civil society, based on which Marx saw a special type of personality, characterized by such features as personal independence, individual freedom, self-worth of each person.

Finally, fourthly, in modern literature, civil society is seen as a necessary and rational way of human coexistence based on reason and will. It exists within the framework of the freedom of civil interests. It is based on a person who interacts with other members of society. It is fair to say that although civil society is a self-organizing system, its progress is more successful if the state creates favorable conditions for it.

Civil society is a holistic self-regulating system of relationships and relations that unites citizens in the form of material and materialized non-governmental entities, which include: family, private educational institutions, all types of religious denominations, political parties, movements, associations, unions, foundations, public associations, including public organizations, non-governmental commercial enterprises of various organizational and legal forms, labor collectives, farms (peasant) farms, non-state media (mass media), human rights movements, interest clubs and others citizens' association.

It is a system of non-state horizontal ties and relations based on the principles aimed at a balanced and comprehensive expression and protection of the legitimate rights and interests of associations and the state. A high level of civil society presupposes the subordination of the state to itself and the service to its interests of state bodies of all branches and all levels of government.

In such a society there is a wide sphere of social relations, in which mass movements, parties that unite citizens, groups by interests, beliefs, and other characteristics are active.

It should be noted that a developed civil society has a degree of independence and autonomy from the state that guarantees the security of the individual from abuses related to the unfair use of state power. Every member of civil society is first and foremost a subject of law, and only then a citizen of the state, which is why civil society protects human rights, while the state is associated with the rights of the citizen.

In a developed civil society there is a social self-regulation, which allows us to consider it as an independent society. It is based on a person who interacts with other people.

Civil society, which has developed in countries with developed democracies (Germany, Austria, USA, France), has additional characteristics, one of which is openness. In an open society, its members do not seem to notice the state, they have social mobility, have a developed system of common interests. A new stage in the development of civil society is associated with the expansion of its interest in the problems of the common good, justice, and civil rights.

It can be noted that many European states have come a long way to a "welfare state." In the course of this process, there was a strong understanding that the boundaries between state power and society cannot be drawn in favor of the state. The new period of relations is characterized by the removal of barriers between civil society and the state, the search for ways to understand.

At present, in democratic states, the confrontation between society and the state is gradually disappearing. The state is aware of its responsibility to civil society and becomes, as it were, its servant, as which it ensures compliance with the rule of law, good governance and social needs.

Conclusions.

Thus, it is logical to note that civil society is in a dialectical relationship with the state. It is manifested in the fact that the stronger the civil society, the less noticeable the role of the state. Conversely, an underdeveloped civil society leads to an excessive strengthening of the state, which absorbs society. At the same time, it would be a mistake to oppose society and the state, as they cannot exist separately, complement each other and suffer from antagonistic relations.

It should be emphasized that although civil society is a self-organizing system, its progress is more successful if the state creates favorable conditions for it. That is why the formation of civil society requires strong public authority based on democracy, recognition of the rule of law and other principles underlying the rule of law.

Civil society has a number of essential features that allow it to give a qualitative description: it is a society of a social, market state, which provides freedom of economic activity, entrepreneurship, labor, diversity and equality of all forms of ownership and their equal protection, public benefit and fair competition; it is a society built on the principles of self-government and self-regulation, free initiative of citizens and their staff; it is a society of true freedom and democracy, in which the priority of human rights is recognized; it is a society that provides social security for citizens, a dignified life and human development.

The most important structural elements of civil society are: voluntarily formed primary self-governing communities of people (family, various associations, business corporations, public associations); the sphere of self-government of free individuals and their organizations, protected from interference by public authorities; a set of non-state social relations.

These elements of civil society in the science of constitutional law are considered either as socio-political categories or as independent constitutional (state-legal) institutions. Relevant institutions can be identified that enshrine the essential features and characteristics of civil society in terms of: the foundations of economic relations; the basics of social relations; the foundations of spiritual and cultural relations; the basics of political relations.

The degree of maturity of civil society and all its constituent institutions is the criterion that characterizes the stability and strength of the constitutional order. In this regard, enshrining in the constitutional norms of the foundations of civil society allows to legally ensure the independence of society from the state, to provide guarantees against the latter's illegal interference in society, to establish the limits and limits of state influence on public relations.

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