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**THEORY OF SUPREMACY OF INTERESTS OF PEOPLE –
BASIS OF THE STATE MANAGEMENT
AIMED AT PROTECTION OF CONSTITUTIONAL RIGHTS
AND INTERESTS OF EACH PERSON**

Аннотация. В научном труде дается критический анализ традиционных и устоявшихся взглядов в современном цивилизованном мире по проблеме верховенства закона в обществе и в государстве и предлагается созданная ранее автором теория верховенства интересов народа – теория диктатуры интересов народа, которая радикально отличается от принципа верховенства закона, ибо эта теория рассматривает законы и другие нормативно-правовые акты только лишь как средства, которые должны служить социальной цели – реализации интересов народа.

Следовательно, как в научных исследованиях, так и в управлении обществом и государством, исходя из теории верховенства интересов народа, необходимо руководствоваться не верховенством закона, а верховенством интересов человека – верховенством интересов народа.

Annotation. In scientific work given the critical analysis of the traditional and established views in the modern civilized world about the problem of the supremacy of the law in the society and the state and proposes the created earlier by the author theory of the supremacy of interests of people – the theory of dictatorship of interests of people that radically differs from the principle of the supremacy of the law, since this theory considers the laws and other normative-legal acts only as the means that should serve the social goal – the realization of interests of people.

Consequently, both in the scientific researches and in management of the society and the state, proceeding from the theory of the supremacy of interests of people, it is necessary to be guided not by the supremacy of the law, but by the supremacy of interests of a person – the supremacy of interests of people.

Creation and effective functioning of the true human society and state, and, relevantly, the realization of interests of a person – realization of interests of people – require critical analysis of the traditional and established views of fundamental importance in the modern civilized world on a problem of the supremacy of the law in the society and the state, that (i.e. problem of the supremacy of the law) in modern science and modern policy is practically considered to be solved, the equity of which (i.e. the equity of resolving this problem) is allegedly beyond any doubt (?!).

In reality, in my deep belief, both in scientific researches and in management of the society and the state, proceeding from the created by me theory of the supremacy of interests of people, one should be guided not by

the supremacy of the law or supremacy of means, but by the supremacy of the goal – supremacy of the social goal, supremacy of interests of a person – supremacy of interests of people, that is the fundamentally new scientific trend in the sphere of philosophic, juridical, political and economic sciences, originated from the created by me strategic scientific trends – from the philosophy of the goal and from the philosophy of the social goal (and not from the philosophy, called by me philosophy of means), and also originated from the created by me theory of social-economic laws, theory of social-economic management and so on.

Thus, the supremacy of the law, as is it well known, is universally recognized in the modern civilized world.

However, this – the supremacy of the law – quite often creates serious obstacles in realization of interests of people, in protection of rights, freedoms and interests of a person, and now and then even leads to the economic genocide and enslavement of people.

Though, the aforesaid does not mean at all the denial of necessity of use of the laws and other legal acts in management of the society and the state.

The aforesaid does not either mean the denial of necessity of the rigid struggle against lawlessness.

Therefore, the discussion only touches upon the issue who and what will possess the supremacy in the society and the state (!?), what will have fundamental scientific-theoretic, political and practical significance and what is directly connected with the issue of protection of rights, freedoms and interests of each person.

Problem of the supremacy of the law, problem of legal creative work and application of laws in the society and the state acquire particularly critical character under the terms of the rule of the market, money, profit, capital, when everybody and everything belong to purchase and sale.

Under such conditions, some former and present state functionaries or other persons, who got rich by robbing people, sometimes achieve high state positions in power, that may be used, on the one hand, for escaping the responsibility for committed by them crimes and, on the other one, they can use their positions for illegal “legalization” of the robbed by them means and further robbing of people.

Besides, under the slogan of necessity of executing the reforms, some officials can try to achieve the adoption and putting into practice such laws and other legal acts that are obviously leading to the infringement of rights, freedoms and interests of a person(!?)

Furthermore, I am not rising in opposition to the fulfillment of reforms in the society and the state, quite the contrary.

But I oppose the execution of abnormal reforms.

I oppose the transformation of the execution of such reforms into the end in itself or their transformation into the means of infringement of rights,

freedoms and interests of a person. I oppose them to be transformed into the means of illegally “legalized” robbery and enslavement of people.

I support the implementation of reforms provided that these reforms serve the realization of interests of people and exclude antisocial phenomena.

Therefore, I oppose the “supremacy” of reforms over the rights, freedoms and interests of a person, since the implementation of reforms should represent only the means of the realization of interests of people.

I oppose such independence of officials, illegal or illegally “legalized” activity of whom make a person (a lot of people) dependent upon these officials, instead of serving interests of people.

It is important in principle, in my deep belief, to take into account the fact that “independence has the sense and value only in case, when it extends to each member of the society and serves interests of people, since the independence of officials is not the independence of a nation” [1, p.160].

Consequently, depending on honesty and dishonesty, competence and incompetence of representatives of the state power, the laws may be issued and used both for realization of interests of people and for robbery and enslavement of people as well.

And this problem, as it was already mentioned, bears particularly acute character under the terms of domination of the market, when under the influence of money, under influence of the market some people spare no effort in order the laws and other legal acts to serve their illegal enrichment.

I support the idea of enrichment of people but through honest use of their own abilities and through their honest mental and physical work and not through robbery of people.

Necessity of existence of the market relations is beyond doubt, since the economic relations cannot exist without the market, in view of this fact, I consider the additional substantiation of the given thesis unnecessary.

At the same time, I am deeply convinced that the market relations bear genetically antagonistic character, thus making necessary the active participation of the state in creation of such political-legal and social-economic mechanisms, through use of which these relations will be subject to the realization of the social goal, i.e. as a result of use of which (as a result of use of mechanisms of social-economic management) the market relations will be really subject to interests of people.

Consequently, under the conditions of adoption of the socially orientated laws and strict observance of their fulfillment, the market relations and the laws themselves will be subject to the effective realization of interests of people.

For realization of the aforesaid goal – for realization of interests of people – I consider it necessary for leaders of states (since exactly leaders of states play a decisive role in management of the society and the state) to recognize and put into practice the proposed by me principle of the

supremacy of interests of people instead of the universally recognized supremacy of the law.

Exactly with a view to scientifically substantiating the significance and necessity of the realization of the supposed by me principle of supremacy of interests of people, I have created the theory of supremacy of interests of a person – the theory of supremacy of interests of people, that is the theory of dictatorship of interests of people, since the principle of supremacy of interests of people should be based upon and is based upon the political-legal theory of supremacy of interests of people, that scientifically substantiates the necessity of realization of the aforesaid principle.

Moreover, evidently, leaders of states, as well as other political figures and scientists, who recognize supremacy of the law in the society and the state, consider that the laws and other normative-legal acts should not be unfair, should not be anti-constitutional, should not be at variance with interests of a person.

However, first, quite often in practice we encounter contradictions that are expressed in the fact that the laws and other normative-legal acts and so on, which infringe rights, freedoms and fair interests of a person are sometimes adopted and illegally functioning, and overcoming of these contradictions is possible on the basis of the created by me theory of supremacy of interests of people, since on the basis of this theory all laws and other normative-legal acts and so on, and, first of all, the Constitutions of the states should be brought into accord with the supremacy of interests of a person – with the supremacy of interests of people.

And the second, in the true human society and state – the society and the state that serve interests of people – the juridical laws and other normative-legal acts and so on, cannot be the end in itself, since they, in my deep belief, represent (should represent) only the means of realization of the social goal – represent (should represent) only the means of the realization of interests of a person – represent (should represent) only the means of realization of interests of people, while the means cannot have the supremacy in the true human society and state.

Therefore, the laws cannot have the supremacy in the society and the state not only because of the fact that the laws and other legal acts infringing the rights, freedoms and interests of a person are sometimes adopted and functioning, but because the laws are created and functioning for a person (for people) and not because a person is born and is living for the laws.

Moreover, the aforesaid can be expressed by the following formula, elaborated by me:

Supremacy of interests of a person:

P (Person) – L (Law) – P (Person),

and not the supremacy of the law:

L (Law) – P (Person) – L (Law),

since the law should serve a person,

but not a person should serve the law.

The above-mentioned formula demonstrates that the law is created by a person for the realization of interests of a person himself, i.e. this formula once more confirms that the law represents only the means of the realization of interests of a person, therefore the law cannot have the supremacy over a person.

Relevantly, actually, if all laws and other legal acts in the society and the state serve interests of each person – interests of people, even in this case they (the laws and other legal acts) would remain only the means of realization of interests of a person – would remain only the means of legal insurance of the supremacy of interests of people.

Therefore, the theory of supremacy of interests of people, I am deeply convinced of it, is the most significant political-legal theory, determining the place of a person in the true human society and the state.

Therefore, it should be specially underlined, that the theory of supremacy of interests of people does not justify at all the unlawful acts in the society and the state. On the contrary, for realization of interests of people this theory means the necessity of use of the laws and other normative-legal acts and so on.

Relevantly, the legal acts in the true human society and state should be recognized lawful only in case, when they serve the realization of the supreme goal of the society and the state – interests of each person.

Consequently, the supremacy in the true human society and state, proceeding from the created by me theory of the main social-economic law of the true human society that is proceeding from the theory of the law of its motion [2; 3], should belong to a Person – interests of a person, interests of people, in other words, the supremacy should belong to the social goal, for the realization of which, as I have emphasized in a scientific work published by me as far back as in 1980, all ways, forms and methods are justified provided that they exclude the exploitation of one person by another one and all other anti-social phenomena [4].

Exactly proceeding from this methodological approach, I have created the theory of supremacy of interests of a person – theory of supremacy of interests of people, that is, the theory of dictatorship of interests of people [2; 3; 5; 6; 7; 8; 9], the deep foundations of which were created by me as far back as in the early 70-ties of XX century.

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