

органів в управлінні безпечним стійким розвитком, у них з'являються власні фінансові джерела, створюються і розвиваються державні та недержавні наукові центри, комерційні консультаційні фірми в області охорони навколишнього середовища, тобто реально почав формуватися ринок екологічних робіт та послуг.

Дослідження показало, що в умовах ринкової економіки держава не може директивними методами керувати діяльністю всіх суб'єктів господарювання і, отже, необхідно забезпечити оптимальний вплив державних, регіональних і місцевих органів влади на соціально-економічну ситуацію в регіоні шляхом використання мотиваційних механізмів і необхідних непрямих економічних регуляторів. Підтримка управлінських рішень повинна забезпечуватися спеціалізованими інформаційними технологіями по поліпшенню природного середовища регіону та його сталого розвитку.

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## **THEORY OF BALANCE OF RIGHTS AND RESPONSIBILITY OF OFFICIALS – ESSENTIAL SCIENTIFIC BASIS OF HUMAN RIGHTS PROTECTION**

*The scientific work considers the theory of the balance of rights and responsibility of officials created by the author – as the essential scientific basis of human rights protection.*

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**ТЕОРИЯ БАЛАНСУ ПРАВ І ВІДПОВІДАЛЬНОСТІ ПОСАДОВИХ ОСІБ -  
НЕОБХІДНА НАУКОВА ОСНОВА ОХОРОНИ ПРАВ ЛЮДИНИ**

*У науковій праці розглядається створена автором теорія збалансованості прав і відповідальності посадових осіб - як необхідна наукова основа захисту прав людини.*

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**ТЕОРИЯ БАЛАНСА ПРАВ И ОТВЕТСТВЕННОСТИ ДОЛЖНОСТНЫХ ЛИЦ -  
НЕОБХОДИМАЯ НАУЧНАЯ ОСНОВА ОХРАНЫ ПРАВ ЧЕЛОВЕКА**

*В научном труде рассматривается созданная автором теория сбалансированности прав и ответственности должностных лиц – как необходимая научная основа защиты прав человека.*

The Theory of the balance of rights and responsibility of officials created by me is the basis of the main trends and necessary intellectual basis of human rights protection as well as necessary basis of effective functioning of society and the state.

Thus, the balance of rights and responsibility of officials represents the necessary, but insufficient condition of protection of interests of a person – protection of interests of all members of the society, necessary condition of realization of individual potential of a person and effective functioning of the society as a whole.

However, unfortunately, the acting legal theory and practice lack the responsibility of officials for the results of their activity – lack the responsibility of officials that should have been balanced with their rights.

The aforesaid, in my deep belief, is caused by the fact that, first of all, before the creation by me of the theory of the balance of rights and responsibility of officials, there did not exist such or similar to it theory, and, the second, despite the fact that the bases of this theory were laid by me early in the 70-ties of XX century and published as early as 1972, 1976 and so on, and later on the already formed theory was more than once published, it was not yet properly used in practice.

And it is not astonishing, since the legitimization of the corresponding political-legal mechanisms on the basis of the created by me theory of the balance of rights and responsibility of officials should be carried out through adoption of

necessary normative acts by high officials of the state, but the legitimization of such responsibility, evidently, does not suit them (these officials), since in this case in some states a great number of officials (if not all) will lose high posts held by them.

Though, in my deep belief, one should take note of the words said by Leonardo da Vinci: “Theory is the commander and practice is the soldiers” [1].

At the same time, the effective functioning of any society and state, if it is really aimed at realization of interests of people, if it is aimed at realization of interests of every person – at realization of the social goal of the social-economic law of motion of the true human society, i.e. if it is aimed at realization of the law, the theory of which was created and published by me as far back as the 70-ties of XX century [2; 3; 4], with the objective necessity requires the creation of the theoretical-legal bases and the relevant legislative basis – relevant legal mechanisms of responsibility of officials, which (i.e. responsibility of officials) will be balanced with their rights, and which will be based, in its turn, on the created by me theory of the balance of rights and responsibility of officials.

Exactly as the theoretical-legal basis of the creation of mechanisms of responsibility of officials that should have been balanced with their rights already in the early 70-ties of XX century, there was created and proposed by me the theory of the balance of rights and responsibility of officials [5; 6; 7; 8; 9; 10; 11; and so on], which, at the same time, represents the necessary scientific basis of the effective management of the society and the state.

Moreover, through this, the political-legal mechanism of immediate responsibility of officials that (responsibility) is balanced with their rights was actually created.

In particular, there is proposed the concrete mechanism of responsibility of officials for the results of their activity, i.e. there is proposed the mechanism of responsibility of officials for such results of their activity, which contradict interests of people.

In compliance with the given theory, if, as a result of “activity” of certain officials, in fact, there are robbed, for instance, five million or ten million inhabitants of the state, these officials should be imposed a penalty – they should bear responsibility not only through relieving the posts held by them, but as the robbers, who robbed, in this case, five or ten million persons.

However, unfortunately, robbers are considered only those, who directly physically attacked a person, an institution, an organization or enterprise and carried out their robbery.

As it is known, along with the rights, it is accepted to speak of (and even sometimes) obligations, but in fact the criminal and so on responsibility of officials do not exist, if they have not evidently and directly stolen something, robbed someone, killed someone and so on.

Though, through their “activity”, their “experiments” and their blind imitation to other countries or as a result of influence under dictates of other countries and so

on, they could rob their people or promote their robbery, could bring the country to the political, economic and social chaos, bloodshed, poverty and so on, that, undoubtedly, requires introduction of strict juridical responsibility of officials that should be balanced with their rights.

Therefore, the created by me social-legal and political-legal theory of the balance of rights and responsibility of officials represents the necessary scientific basis of protection of interests of a person and social-economic progress.

Besides, the created again by me the theory of the social-economic management [12], coming from again my theory of the social-economic laws [4; 12] and created by me philosophy of the goal and philosophy of the social goal [3; 4; 13; 14] lies in the basis of the theory of the balance of rights and responsibility of officials.

Thus, proceeding from all the aforesaid, I once more come to the logical conclusion about the fundamental social-economic and political significance of the theory of the balance of rights and responsibility of officials and about the necessity of its practical realization, since rights, freedoms and interests of every person can be protected only through the introduction of juridical responsibility of officials that should be balanced with the rights of these officials.

And without protection of rights, freedoms and interests of a person it cannot be the social-economic progress.

While considering the general theoretic aspects of effective functioning of market relations and social-state system as a whole the special attention should be paid to the theory of the balance of rights and responsibility of officials, since one of the basic directions of effective functioning of the society and the state is practical use of this theory.

At the same time, for practical realization of the theory of the balance of rights and responsibility of officials, creation of corresponding legal mechanisms is necessary.

Requirements of the above-mentioned theory should be reflected, first of all, in Constitutions of the states in order to overcome the contradiction, for example, between the rights of members of Parliament (members of the legislative power) – to pass laws and other normative-legal acts and lack of the mechanism of their responsibility for taking of anti-constitutional decisions – anti-constitutional normative-legal acts or their anti-constitutional parts leading to infringement of rights and freedoms of a person, and at times even leading both to robbery of separate persons and almost of all people.

As to representatives of the executive power, they also should bear the full responsibility for results of their activity that (responsibility) should be balanced with their rights and obligations.

In particular, representatives of the executive power should bear the responsibility – they should be automatically relieved from the held posts for presenting by them the projects of anti-constitutional normative-legal acts or anti-

constitutional parts in them, since, if state officials do not understand questions of constitutionality of these acts, they have nothing to do at this state power.

The same and sometimes even criminal responsibility should be born by officials – representatives of the executive power – both for adoption (for issue) and support of adoption (issue) and for fulfillment by them or support of fulfillment, for admission of fulfillment of anti-constitutional normative acts or their anti-constitutional parts, i.e. for their blind fulfillment, in disregard for the results towards protection of rights, freedoms and interests of each person and people as a whole, since representatives of the executive power, as well as the power in general, are obliged to serve interests of people, the representatives of whose they are, and who (i.e. people) maintain them, since it is generally known that one who pays, orders the music.

Special role in establishment of justice and supremacy of interests of people should be played by the judicial power, which also should bear responsibility for use by it of its rights – should bear responsibility for the results of its activity that should be balanced with its rights and obligations.

I also consider it necessary to pay attention to the problem of mass media – to the problem of the so-called “fourth power” (the “fourth power” in inverted commas, since in reality mass media do not represent the power, though sometimes actively influence the power), which, like any member of the society, should have and have the rights to freedom of speech, freedom of the press and so on.

However, if it – freedom of the “fourth power” – restricts lawful or simply true human rights and freedoms of other persons, if it infringes rights and freedoms of other citizens, offends or even tactlessly and unfairly hurts a person, not guilty either towards other persons or towards the society and the state, thus violating constitutional requirements with respect to rights and freedoms of a person, then such “power” should bear the full juridical responsibility for its actions.

Thus, all the above-mentioned reconfirms that the created by me theory of the balance of rights and responsibility of officials and mutual balance on the basis of this theory of rights and responsibility of state officials represents the necessary political-legal basis of the social justice and realization of supremacy of interests of people.

The mentioned scientific theory at the same time is the fundamentally new scientific trend representing the essential political-legal basis of effective functioning of the society, the state and mankind as a whole.

Consequently, the theory of the balance of rights and responsibility of officials created by me – the scientific work considers as the essential scientific basis of human rights protection.

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It is necessary to focus on the fact that in the title of the given monograph – under the socialism and its objective advantages – I mean not the Marxists unrealizable socialism or socialism in its traditional meaning, but the socialism in my – Kuratashvili's – interpretation of the latter.  
In particular, under the socialism I imply the society, the criterion of which (i.e. the criterion of the socialistness) is not the lack of the private property and market relations, not the so-called public property for the means of production, not the balanced development to plan and so on (since such approach is based upon the philosophy, called by me the philosophy of the means and in my op deep belief representing the profoundly erroneous approach), but the realization of a social goal – the realization of interests of people based upon the created by me philosophy of a social goal that in fact represents the criterion of the true human society and state.
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ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ**

*В научном труде рассматривается созданная автором теория социальной прибыли – как научная основа эффективного государственного управления, нацеленного на реализацию интересов человека.*

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ДЕРЖАВНОГО УПРАВЛІННЯ**

*У науковій праці розглядається створена автором теорія соціальної прибутку - як наукова основа ефективного державного управління, націленого на реалізацію інтересів людини.*

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**INTERESTS AND RIGHTS ISSUE EFFECTIVE GOVERNANCE**

*In scientific work is discussed the theory of social profit created by the author – as a scientific basis of effective state management, aimed at the realization of interests of a person.*

*Постановка проблеми.* Исследование проблем эффективного государственного управления, нацеленного на реализацию интересов человека, имеет принципиальное значение, ибо государственное