

**THE RELATION BETWEEN CIVIL SOCIETY
AND THE STATE IN EUROPEAN UNION,
TURKEY AND UKRAINE**

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Formulation of the problem. Interest mediation between society and the state is one of the crucial elements of the democratic process. In democracies, citizens organize in order to express and defend their social interests. Civil Society has become a paradigmatic concept in the European integration process.

Analysis of the main research and publications. Ukraine has as its reference point the European Union. Turkey is the nearest neighbor sea. Turkey is an officially secular republic, yet in recent years it has been ruled by a party with roots in political Islam, has moved closer to the Muslim world in foreign policy, has seen the growth of individual religiosity, and has witnessed a preponderance of religiously oriented civic associations and charities.

In traditional foreign literature on civil society, political parties are not thought of as part of civil society. They are either part of the regime or they are the «government in waiting», hoping to be elected. It is suggested that political parties are driven by a desire to govern, rather than by a desire to associate for common objectives as do civil society organizations. But political parties are also a means to channel people's aspirations and if they are unable to perform this function, civil society is the loser.

The main results of the study. When the European Union (EU) developed a strategy to draw the countries of Eastern Europe closer to the prospect of European integration, the issue of civil society development was a significant element of the demanding criteria of Europeanization as set by the Copenhagen criteria, which required aspirant states to have stable institutions guaranteeing democracy, the rule of law, human rights and respect for minorities, a functioning market economy and the ability to take on the obligations of EU law [1, p. 381]. In this context, the conditionality mechanism associated with a well functioning civil society seems to have proven to be effective in the case of the countries of the so-called fifth enlargement [2, p. 93-94].

Historically, civil society emerges as an important factor in western-style modernization processes.

In Turkey where such a modernization process was initiated with significant political will, civil society is often discussed within the framework of a «continuous tradition of strong government in opposition to a weak civil society» (Heper, 1985, 1994; Göle, 1994; Toprak, 1996; Keyman ve İçduygu, 2005).

On the other hand, the extent to which this duality, which is the product of a certain ideology and framework for modernisation, truly reflects Turkey civil society has also been questioned. Within these arguments, there have been certain claims that in a rapidly globalising world with a variety of modernisation processes, it would be possible to find different historical and societal experiences of civil society co-existing in the same space (Kalaycıoğlu, 2002; Keymanve İçduygu, 2003; Şimşek 2004).

Civil society in Turkey has been revitalized as a result of several internal and external factors, especially in the post-1980 era, and has gained prominence in academic, social and political discourse. As the numbers of civil society actors in the country increases, they have also become important actors for social change [3, p. 45].

To our mind, function of civil society are the main areas and types of targeted legitimate influence of its institutions and individual members of the development of society, the formation of domestic and foreign policy.

At the same time, the political system has become increasingly democratic, and the country continues to seek accession to the European Union [4, p. 1-2].

In Turkey civil society become as an area of associational life with diverse social, economic and political functions. Starting from the late 1990s and throughout the 2000s, civil society in Turkey has been predominantly portrayed through this approach.

Civil society in Turkey has diverse functions:

- (a) Civil society is perceived to be an effective agent in solving social problems,
- (b) It cooperates with government and other actors to solve these problems
- (c) It thus facilitates effective and active citizenship
- (d) Contributes to the wellbeing of liberal democracy by facilitating direct and daily participation
- (e) Brings efficiency, transparency and legitimacy to state functions through this constant participation
- (f) Creates an environment for discussion and reflection among economic, social and political actors.

There are six major civil society organizations legal structures in Turkey: (a) associations, (b) foundations, (c) trade unions, (d) chambers, (e) cooperatives and (f) federations and confederations [3, p. 46].

Historically, the development of oppositional civil society in Turkey was stifled by the nation-building goals of the strong state apparatus and especially by several military interventions. Just as there was a desire to regulate religion among the republican elites of Turkey, there was a desire to control and regulate civil society as well. The secular nationalist military, bureaucracy, and judiciary controlled social, political, and cultural development in Turkey.

Civil society groups that tried to challenge the central state authority faced marginalization into the periphery of power and suppression by state authorities; this was especially true for the religiously oriented groups.

Through participation in elections, representation in parliaments and participation in democratically elected governments, they sought to implement social and political reforms. By their origins but also by their parliamentary orientation, and the desire to achieve public office, until today the political parties are positioned between civil society, parliament and government.

Comparative research often has problems in agreeing on a common vocabulary and in identifying equivalence. For the purposes of this theme, we may want to work with a minimal definition of political parties as political organizations that compete in elections on a regular basis and maintain some form of internal structures (e.g., party executives, party conferences, membership branches). Following Alfred Stephan's usage, polity wide parties are parties that organize and compete across the whole of the territory (or most of it), while non-polity wide parties, which may or may not have an ethno-nationalist agenda, are restricted to specific regions [5].

We should keep a clear analytical distinction between party organizations and party systems. The latter refers to the patterns of interaction resulting from inter-party competition.

With respect to civil society, we propose to make a similar distinction between the system of civil society organizations and the territorial structures of individual organizations and associations within civil society. We suggest to employ a wide definition of civil society as a «set of self organized intermediary groups» (P. Schmitter). Civil society comprises a diverse spectrum of voluntary associations, which are organizing around shared interests, objectives and values. This spectrum includes organizations and groups which strongly vary in their degree of formality, autonomy and power.

Civil society associations include, for example, trade unions, professional and business organizations, churches and clerical groups, advocacy groups in areas like the environment, equality and liberal freedom, and social movements.

In a certain way, political parties can be considered as political organizations of the civil society that aggregate the interests of a particular group (or several groups), articulate and represent them. Through participation in democratic elections, they are anxious to present these interests to the representative and formal institutions of politics.

Links between civil society organizations and political parties vary from country to country. While civil society discourse in Europe and North America is biased against NGOs and social movement groups participating in political parties, the same groups are playing key roles in building new political parties in Latin America and elsewhere. In the Philippines, for example, social movements and NGOs are active within parties. In Indonesia, the weakness of social movements may require that NGOs concentrate at this time on helping to build strong peoples' organizations [6, p. 65].

While it is necessary to encourage cooperation between parties and civil society organizations, it's important to recognize the differences between the two sectors. The distance between them is necessary and healthy.

Civil society should not be subordinate to parties, and it's a mistake to wrap the party sector into an undifferentiated concept of civil society. They have distinct functions that change depending on the political conditions. We should find effective ways to aid them both and, where necessary, to foster their close collaboration. But we need to respect their autonomy and help them realize their own democratic objectives [7].

Both political parties and civil society actors are important when linking the state to civil society. It may cause confusion as it is sometimes difficult to distinguish between civil society organizations and political parties. An old rule of thumb is that parties are in the business of winning elections and wielding power while civil society organizations are not holds true. For the most part, civil society actors do not contest elections and their rationale is to act on behalf of particular interests and articulate their demands. However, in reality things are more complex and occasionally even civil society groups put candidates up for election [8, p.6].

Doherty captures this point very well: "A dynamic civil society fosters many elements essential to democracy: participation, accountability, and sustainable political reform. Civil society organizations contribute to the shaping of policy making technical expertise available for policy formulators and by exerting pressure on governments and political institutions. They encourage citizen participation and promote civic education. They provide leadership training and opportunities for the young and marginalized and act as a vehicle for their participation in civic life when working through political parties may not be the best option" [9].

A quick look at the roles frequently attributed to civil society organizations and political parties reveals great overlap. Wading through the muddy waters between the distinction of political parties and civil society organizations a summary of their functions in the process of democratic consolidation is outlined below.

Civil society organizations offer an important contribution to the political process and to the stabilization of democracy in each society. The higher number and increased importance of civil society organizations all over the world prove that practically everywhere a significant proportion of citizens wishes to take part in political processes. But even in the area of civil society organizations similar tendencies as for political parties can be observed: traditionally strong institutions like the labour unions are nowadays weakened; the multitude of organizations is not necessarily proof of stronger influence, but an indication of their fragmentation; many of those organizations are neither transparent nor do they respect the democratic rules in their internal procedures; they are usually rather weak in terms of organization and rarely accomplish long-term relations with their members; identification with them is often ephemeral. Thus, the demobilization of the parties is only partly compensated by the civil social organizations [6, p. 63-64].

At article 1 of the Law of Ukraine from 05.04.2001 № 2365-III «On political parties of Ukraine» citizens' right to freely associate in political parties to exercise and protect their rights and liberties, and to satisfy their political, economic, social,

cultural, and other interests is determined and guaranteed by the Constitution of Ukraine. Restrictions on this right are allowed pursuant to the Constitution of Ukraine in the interests of national security, public order, health care, or so as to protect the rights and freedoms of other peoples, as well as in other cases envisaged by the Constitution of Ukraine. No-one shall be forced to join a political party or restricted in voluntarily withdrawing from a political party. Party affiliation or non-affiliation shall not warrant any restrictions of [civil] rights and liberties or any benefits or privileges on the part of the state. Any restrictions in terms of political party membership shall be the sole prerogative of the Constitution and [other] laws of Ukraine.

A political party shall be understood as a legally registered voluntary association of citizens adhering to a certain national social development program, aimed at assisting in the formation and expression of citizens' political will, participating in elections and other political events.

Only citizens with a right to vote under the Constitution of Ukraine shall be eligible as members of political parties. A citizen shall be a member of only one political party at a time. The following persons shall not be eligible: (1) judges; (2) officials of the public prosecutor's office; (3) officials of bodies of the Interior; (4) officials/officers of the Security Service of Ukraine [SBU]; (5) servicemen.

Members of political parties shall terminate their membership while occupying any of the above posts/ranks/positions.

The procedures of joining a political party, suspending or terminating membership shall be determined by that party's statute/charter.

Political party membership shall be attested. A compulsory condition of such attested membership shall be a Ukrainian citizen's statement submitted to a given party's statutory body and expressing that citizen's desire to become a member of that party.

The form of attesting [recording] political party membership shall be determined by a given party's statute/charter.

No political party structures shall be formed within the executive, judicial or local self-government authorities, military units, state enterprises, institutions of learning, and other government-run institutions and organizations.

Conclusion. The idea of civil society plays an important role in the European Union, Ukraine and Turkey. Admittedly, a developed civil society is a favorable sign of social life in any country. There are many European NGO platforms and coordination between them. Founded in particular that civil society in Ukraine and Turkey – is contact group and social platform that brings together different organizations. Such institutions have social goals. The current European Commission seeks to improve the mechanisms for consultation with civil society. In Turkey, Ukraine and civil society has become a region of associative life of different social, economic and political functions.

BIBLIOGRAPHY

1. Ahmet İçduygu. Interacting Actors: The EU and Civil Society in Turkey. South European Society and Politics. – Vol. 16, No. 3, September 2011. – P. 381–394.

2. Knezovic', S. (2009) 'EU's conditionality mechanism in South East Europe – lessons learned and challenges for the future, European perspectives', Journal on European Perspectives of the Western Balkans, vol. 1, no. 1. – P. 93–113.

3. Ahmet İçduygu, Zeynep Meydanoglu, Deniz Ş. Sert. Civil Society in Turkey: At a Turning Point // TÜSEV Publications. – April, 2011. – № 51. – 105 p.

4. Democratization and the politicization of religious civil society in Turkey // Democratization. – 2012, First. – p. 1–22

5. Political Parties and Civil Society in Federal Countries // <http://www.forumfed.org/en/pubs/theme9.pdf>.

6. Political parties: functions and organisation in democratic societies / Wilhelm Hofmeister and Karsten Grabow. – Singapore : Konrad Adenauer Stiftung, 2011.

7. The Relationship of Political Parties and Civil Society // <http://www.ned.org/about/board/meet-our-president/archived-remarks-and-presentations/031704>

8. Hanne Lund Madsen, Senior Adviser. Political participation: perspectives from civil society and political parties. – Danish Institute for Parties and Democracy Jemtelandsgade, Copenhagen S Denmark. – P. 2-10.

9. Doherty, Ivan (2001), «Democracy out of Balance, Civil society can't replace political parties» Policy review.

Olga Lotyuk. The relation between civil society and the state in European Union, Turkey and Ukraine

This article analyzes the relation between civil society and the state in European Union, Turkey and Ukraine, between political parties and civil society. Disclosed problem understanding of political parties in the context of civil society.

Keywords: civil society, democratization, euro integration, Europeanization, European Union, Turkey, Ukraine political parties, political system, democracy, law.

Лотюк О.С. Співвідношення громадянського суспільства та держави в Європейському Союзі, Туреччині та Україні

У статті аналізується зв'язок між громадянським суспільством і державою в Європейському Союзі, Туреччині та Україні, між політичними партіями і громадянським суспільством. Розкрита проблема розуміння політичних партій у контексті громадянського суспільства.

Ключові слова: громадянське суспільство, демократизація, євроінтеграція, європеїзація, Європейський Союз, Туреччина, Україна, політичні партії, політична система, демократія, закон.

Лотюк О.С. Соотношение гражданского общества и государства в Европейском Союзе, Турции и Украины

В статье анализируется связь между гражданским обществом и государством в Европейском Союзе, Турции и Украины, между политическими партиями и гражданским обществом. Раскрыта проблема понимания политических партий в контексте гражданского общества.

Ключевые слова: гражданское общество, демократизация, евроинтеграция, европеизация, Европейский Союз, Турция, Украина, политические партии, политическая система, демократия, закон.

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