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THE ESSENCE AND SPECIFIC FEATURES OF STATE POWER AS AN IMPORTANT INSTRUMENT OF PUBLIC ADMINISTRATION, ORGANIZATION OF SOCIAL LIFE: CONCEPTUAL FOUNDATIONS

Abstract. The article provides a theoretical and methodological analysis of the phenomenon of “state power” in the context of scientific theories and concepts that have been developed over many years. Such developments make it possible to better understand the role and place of state power in the system of public administration.

Keywords: power, rule of law, state power, state administration and local self-government.

СУТЬ ТА СПЕЦИФІЧНІ ОСОБЛИВОСТІ ДЕРЖАВНОЇ ВЛАДИ ЯК ВАЖЛИВІШОГО ІНСТРУМЕНТУ ДЕРЖАВНОГО УПРАВЛІННЯ, ОРГАНІЗАЦІЇ СУСПІЛЬНОГО ЖИТТЯ: КОНЦЕПТУАЛЬНІ ЗАСАДИ

Анотація. У статті проаналізовано феномен державної влади в контексті наукових теорій і концепцій, що напрацьовані за багато років. Такі напрацювання дають змогу краще усвідомити роль і місце державної влади в системі державного управління.

Ключові слова: влада, правова держава, державна влада, державне управління та місцеве самоврядування.

СУТЬ И СПЕЦИФИЧЕСКИЕ ОСОБЕННОСТИ ГОСУДАРСТВЕННОЙ ВЛАСТИ КАК ВАЖНОГО ИНСТРУМЕНТА ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ, ОРГАНИЗАЦИИ ОБЩЕСТВЕННОЙ ЖИЗНИ: КОНЦЕПТУАЛЬНЫЕ ОСНОВЫ

Аннотация. В статье анализируется феномен государственной власти в контексте научных теорий и концепций, наработанных за многие годы. Такие наработки позволяют лучше понять роль и место государственной власти в системе государственного управления.

Ключевые слова: власть, правовое государство, государственная власть, государственное управление и местное самоуправление.

Problem statement. In this particular case, we proceed from the assumption that governmental power has always been and remains the central cornerstone of whole policy, political influence on large masses of people, a mechanism for coordinating the interests of all social groups (and fighting among them) and all social life. Such power represents specific materialized freedom of the economically dominant class, as well as the most important tool of coercion of the individual, society to activities and behavior in the interests of, mainly, the dominant class (group).

This problem is essential to the processes of state-building in present-day Ukraine, to formation of the system of public administration and local self-government. Thus, describing the current state of Ukrainian society, its political system, Ukrainian philosopher F. Rudych reasonably notes the following: “Ukraine undoubtedly put the past behind it forever and return to it is impossible. It takes shape of a modern

full-fledged, civilized state and completes political and economic certainty. However, the formation of the political system and civil society institutions is difficult, contradictory occurring amid never-ending crises in the political, economic, social and spiritual spheres” [4, p. 41].

Review of recent papers on the above range of problems. In recent professional literature concerned with the issues of governmental power, public administration and local self-government, their transformation, we, first of all, give prominence to works by such authors as A. Heywood [1], V. Bebyk [8], V. D. Bakumenko [4], O. Koptiuk [7], A. M. Mikhnenko [4], G. V. Osipov [5], M. I. Obushnyi [10], A. O. Siryk [6], O. I. Tkach [10], V. F. Khalipov [9], A. M. Shapovalova [2], Yu. Shemshuchenko [3] and many others.

We also note that the problem of governmental power is poorly studied in the context of relationships between power and civil society, transformation of public administration.

Shaping paper's goals. The objective is to identify and analyze the most essential contemporary theoretical aspects of substantiating the phenomenon of "governmental power" as a key pillar for public administration and local self-government.

Presentation of the main study material. First of all, we believe that governmental power, against the background of many definitions and explanations of its essence, should be understood and considered as power in general, that is, such a phenomenon that has, as substantiated by well-known American political scientist Andrew Heywood [1], the following three "faces":

1. Power as decision-making. This is about conscious actions that in some way influence the content of decisions (for details see also: Robert A. Dahl "Who Governs" (1961);
2. Power as agenda setting. The ability to prevent decisions being made (that is, in effect, "non-decision-making"); and
3. Power as thought control. The ability to influence another by shaping what he or she thinks, wants, or needs.

As A. M. Shapovalova rightly notes, "A mandatory attributive property related to the subject's influence on the object is inherent in the social nature of power" [2, p. 111].

The authors of the "Encyclopedic Dictionary of Political Science" (Kyiv, 2004) give a good definition of the term "governmental power". Thus, prominent Ukrainian lawyer P. M. Rabinovich writes in this publication that "governmental power represents a

type of public political power exercised by the state and its agencies, the state's ability to make behavior of people and activities of associations located in its territory bend to its will" [3, p. 144]. P. Rabinovich points out that governmental power a) is a variety of social power; b) covers all members of society; c) is a method of territorial division of the state; and d) is an appropriate procedure for relationships of central, regional and local authorities. It is crucially important that "only governmental power is characterized by sovereignty, that is, supremacy, plenitude, indivisibility, self-reliance, formal independence from power of any organization (or individual) both in a given country and beyond its borders" [3, p. 145]. Ideally, governmental power (although such power does not really exist) is the mouthpiece of the population at large (of its dominant part). In addition, governmental power is largely self-reliant, organizationally separated from society.

Ukrainian scholars, experts in public administration explain the phenomenon of "governmental power" fairly strongly and clearly. Thus V. D. Bakumenko, S. O. Kravchenko, V. Ya. Malynovskyi give it the following definition in the "Encyclopedic Dictionary of Public Administration" (Kyiv, 2010. – 120 p.): "Governmental powers is a politico-legal tool ensuring functioning of the state and implementation of its mission through as system of powers and mechanisms applied on behalf of the state by specially established bodies of governmental power in order to protect and fulfill common interest, meet general and local needs, and implement the functions of regulation

and resolution of conflicts in society” [4, p. 143].

Here, a politico-legal tool represents the basic definition of the essence of governmental power. Hence it should be understood that this is about a certain “mechanism” for governing a state, the basic pillars of which include law (a legal framework that substantiates the essence of a state itself and principles of its functioning) and politics (the essence of the political regime and political system underlying a state).

Second, it is held that governmental power cannot function without certain, specific mechanisms on which it actually reposes.

Therefore, the key components of the phenomenon of “governmental power” consist of the following: tool, mechanism, politics, law, and functioning. It is clear that the uniting elements “inside” this concept are ideas, ideals, ideologies, that is, those spiritual components that unite large groups of people in a country, a state. This is a matter of a different order.

Considering governmental power just as a specific mechanism due to the action of which a large human community maintains its unity, we take into account in the first place that such power a) is composed of three branches (ideally – in every state) – legislative, executive, and judicial; b) is also secured by special public authorities that do not belong to any of such branches of power.

As the power holder, the state also performs and implements a number of specific functions, namely:

a) lays down laws most of which are mandatory for all people related to a given state;

b) takes care that all citizens, people related to a given state observe laws and life rules in such a state (the regulating function);

c) collects and appropriately uses taxes in the interest of all; and

d) takes care of public safety and order in a state (country).

The listed functions of the state are, naturally, the main, primary ones, since they can also be appropriately amplified when it comes to, in particular, all-round human life support.

The issue regarding subjectivity and objectivity of governmental power is rather challenging. In a loose sense, such subjects include an individual (citizen), group, and society at large. Such subjectivity, however, also is ambiguous. Let us say, family the functioning of which can be considered separately and in some detail is an important object and, at the same time, subject of governmental power.

A number of dictionaries, in particular, sociological ones explain governmental power as political one. Thus, the Russian authors of the “Sociological Encyclopedic Dictionary” (Moscow, 1998) write: “Political power is power exercised through formal and informal political institutions including governmental organizations [5, p. 41].

Understandably, effective governmental power meeting the interests of man can only exist in a law-governed state; where the legal system is perfect while the measure of citizens’ responsibility for compliance with the rules of law is high. Young Ukrainian researcher A. O. Skoryk pretty exactly formulated the features of a law-governed state including with them the following:

- rule and supremacy of law broadly and of statute law narrowly (the state should be governed by the law);
- principle of separation of powers (the principle of the rule of statute law is so implemented; is of an instrumental nature);
- precedence of rights and freedoms of the individual. Rights exist not only in the individual but also in the collective, in society, and in the state (in the latter case are paramount in an illegitimate state);
- social protection;
- social justice;
- clear delimitation of functions of the state and society;
- establishment of an anti-monopolistic mechanism that precludes concentration of authoritative powers in a certain link or institution;
- establishment in law and implementation of sovereignty of governmental power;
- formation of legislative bodies in society based on electoral law rules and control over formation and embodiment of the legislative will in laws;
- compliance of domestic legislation with the generally accepted norms and principles of international law;
- mutual responsibility of the state and the individual;
- existence of civil society; and
- citizens have rights and duties [6, p. 325].

When we discuss the rule of law within a state we imply that definition of a state as a law-governed one,

as Ukrainian jurist V. O. Kostiuk emphasizes, means subordination of any forms of state activity to law, first of all the Constitution, the main purpose of which in democratic society is to be the basic check on governmental power for the sake of preserving fundamental rights and freedoms of citizens, serve as guarantor of self-development and self-organization of the key institutions of democratic society. Limiting governmental power by law, the Constitution thereby preserves freedom it proclaimed which is the main purpose of law [7].

Governmental power is most closely related to and determined by external and internal functions of the state. Leaving the former out of consideration, we point out the internal functions among which many Ukrainian political scientists, in particular V. Bebyk, reckon the following ones:

- economic;
- cultural-educational;
- social; and
- policing function [8, p. 179–180].

The external functions of the state are mainly centered around and related to foreign policy based on interests of the state and tasks aimed at their fulfillment.

Conclusions.

1. The problem of “governmental power” is complex, multidimensional and mainly concerning the political system, political regime; it has been and remains the basis for organization of public administration, relationships between the state and civil society, the foundation for democratic local self-government.

2. Being a phenomenon, governmental power should be explained and con-

sidered as an integral part of power in general. In our opinion, Russian political scientist V. F. Khalipov does it rather appropriately and effectually defining power in his book entitled “Power: a Cratological Dictionary” as “1) the capacity, right and ability to have control over anyone, anything, decisively influence destinies, behavior and activities, customs and traditions of people using various means – statutes, law, authority, will, court, and coercion; 2) political authority over people, their communities, organizations, over countries and their groupings; 3) a system of public authorities; 4) people, bodies vested with relevant public, administrative authority or have various influences and powers by custom or having usurped them” [10, p. 70–71]. It is apparent that in this case power is thought of and taken into consideration not otherwise than as a political phenomenon.

3. Political power is therefore a universal, comprehensive, complex, unwieldy, threatening, exciting and controversial phenomenon that inspires disrespect and rejection, that is, too dangerous as to its rights. Since political power has thoughts, ideas, and ideology as one of the decisive bases, the definition of the phenomenon of “power” cited by Ukrainian scholars M. I. Obushnyi, A. A. Kovalenko, and O. I. Tkach in their handbook “Political Science” (Kyiv, 2004) is fairly meaningful. “Power, – they write, – is one of the sides of inequality in domination-subordination relations, it is dominance of freedom of some people over the will of others or, more precisely, subordination of freedom of some people to freedom of others irrespective of whether it is about individuals, groups of peo-

ple, classes, nations or peoples” [5, p. 92]. This implies the main thing at the least – power is primarily associated with domination-subordination relations. Domination-subordination relations are actually relations of power. Then there arises the problem of division of power among its major wielders. Lastly, we should take into consideration checks and balances processes in exercise of power, since otherwise power cannot function at all.

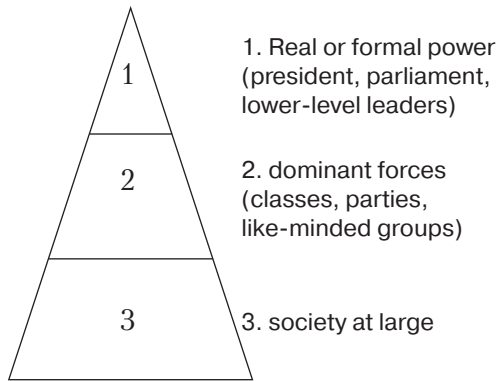
4. We particularly emphasize that subject to the paper’s goal we should discuss state and political power, which, as a phenomenon, is clearly somewhat narrower than the concept of “power” in general:

a) it should be emphasize that governmental power represents materialized freedom of the economically dominant class, which covers the whole State and all citizens. Politics both centers and functions “around” ownership of it. As a rule, the dominant class has the strongest and most influential force in a given country (State) – the economic one. The other levers of retaining power actually derive from it;

b) governmental power is the most powerful and effective tool of coercion of the individual, large groups of people to activities and behavior mainly in the interests of the ruling social force, although in real life what this most often means is interests of the state, the country at large. That is, many political process actors try to “decorate,” hide their activities under State interest; and

c) Governmental power exists not only practically in all spheres of society but also at the three basic levels of the social structure of such society – 1) societal (it embraces the most com-

plex social and political relations); 2) public (associational), meaning relations among nongovernmental organizations, associations and so on); and 3) personal (in small groups). The listed relations are too specific and special. The pyramid of power can for our purpose be drawn as follows:



5. The problem of division of power into three branches (according to C. Montesquieu) should be considered separately because it has been considered and substantiated in reasonable detail in political science, sociology, and law, and for this reason we do not think it proper to focus on this aspect of the problem. There is perhaps a need to briefly highlight the major functions of political power. They are as follows:

- a) forming the political system of society;
- b) organizing political life — virtually, political relations concerning all social, political etc. structures of society; and
- c) running bodies of power (managing their interaction).

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