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KEY ASPECTS OF TRANSFORMATION OF THE STATE AUTHORITIES IN THE WORLD AND TO THE MODERN SOVERUM UKRAINE: A JOINT AND PERSONALITY

Abstract. The article deals with the fundamental, inherent in most of the countries of the world transformation of state power, its formation, functioning and division between the main branches as a result of the decentralization of such power, its subsidiarity. Attention is drawn to the specifics of state power, its functional features in the conditions of sovereignty of the states, their interconnection. It is emphasized that the nature of the state power is connected with the nature of the political system of the state, with the form of government and many other aspects of a fundamental nature.

It is analyzed that in the middle of national states the questions of legitimacy, sovereignty of transparency of state power, its formation are acutely raised. Concerning the practical functioning of state power, a deeper study now needs a problem of separation of powers and the distribution of power. The use of this principle, which ensures the real subsidiarity of the authorities, the formation of more effective, responsible democratic relations between state power and civil society, is the first priority of the transformation of state power in the conditions of modern transformations of countries and societies. It is substantiated that the research of these problems will open up much wider opportunities for the provision of state power not as a center authority, but also as a leading political struc-

ture but as a power of the people and the community. In the context of global democratization processes, such processes are crucial for a more humanistic and civilized arrangement of human life. It is noted that local self-government, as a specific form of public power, is also characterized by an expressive feature of a special subject of power (territorial community) as a set of large numbers of people; joint communal property; tax system, etc.

Keywords: power, state power, transformation of power, state sovereignty, division of powers and distribution of powers.

КЛЮЧОВІ АСПЕКТИ ТРАНСФОРМАЦІЇ ДЕРЖАВНОЇ ВЛАДИ У СВІТІ І СУЧАСНІЙ СУВЕРЕННІЙ УКРАЇНІ: СПІЛЬНЕ Й ОСОБЛИВЕ

Анотація. Розглянуто основоположні, притаманні більшості країн світу трансформації державної влади, її формування, функціонування та поділу між основними гілками в результаті децентралізації такої влади, її субсидіарності. Звертається увага на специфіку державної влади, її функціональні ознаки в умовах суверенітету держав, їх взаємозв'язку. Наголошується, що суть, характер державної влади пов'язаний з характером політичної системи держави, з формою правління та багатьма іншими принципового характеру аспектами.

Проаналізовано, що у середині національних держав гостро постають питання легітимності, суверенності, прозорості державної влади, її формування. Щодо практичного функціонування державної влади, то більш глибокого дослідження нині потребують проблеми поділу влади і розподілу владних повноважень. Використання цього принципу, що забезпечує реальну субсидіарність влади, формування більш дієвих, відповідальних демократичних відносин між державною владою і громадянським суспільством — це першочергові проблеми трансформації державної влади в умовах сучасних трансформацій країн і суспільств. Обґрунтовано, що дослідження вказаних проблем відкриє набагато ширші можливості забезпечення державної влади не як влади центру, провідних політичних структур, але як влади народу, громади. В умовах загальносвітових демократизаційних процесів такі процеси мають вирішальне значення для більш гуманістичного і цивілізованого облаштування людського життя. Зазначено, що місцеве самоврядування, як специфічна форма публічної влади, характеризується також виразною ознакою особливого суб'єкта влади (територіальна громада), як сукупність великої кількості людей; спільна комунальна власність; система податків тощо.

Ключові слова: влада, державна влада, трансформація влади, державний суверенітет, поділ влади і розподіл владних повноважень.

КЛЮЧЕВЫЕ АСПЕКТЫ ТРАНСФОРМАЦИИ ГОСУДАРСТВЕННОЙ ВЛАСТИ В МИРЕ И СОВРЕМЕННОЙ СУВЕРЕННОЙ УКРАИНЕ: ОБЩЕЕ И ОСОБЕННОЕ

Аннотация. Рассмотрены основополагающие, присущие большинству стран мира трансформации государственной власти, ее формирования,

функционирования и разделения между основными ветвями в результате децентрализации такой власти, ее субсидиарности. Обращается внимание на специфику государственной власти, ее функциональные признаки в условиях суверенитета государств, их взаимосвязи. Подчеркивается, что суть, характер государственной власти связан с характером политической системы государства, с формой правления и многими другими принципиального характера аспектами.

Проанализировано, что в середине национальных государств остро встают вопросы легитимности, суверенности, прозрачности государственной власти, ее формирования. Касательно практического функционирования государственной власти, то более глубокого исследования в настоящее время требуют проблемы разделения власти и распределения властных полномочий. Использование этого принципа, что обеспечивает реальную субсидиарность власти, формирование более действенных, ответственных демократических отношений между государственной властью и гражданским обществом — это первоочередные проблемы трансформации государственной власти в условиях современных трансформаций стран и обществ. Обосновано, что исследования указанных проблем откроет гораздо более широкие возможности обеспечения государственной власти не как власти центра, ведущих политических структур, но как власти народа, общества. В условиях общемировых демократизационных процессов такие процессы имеют решающее значение для более гуманистического и цивилизованного обустройства человеческой жизни. Отмечено, что местное самоуправление, как специфическая форма публичной власти, характеризуется также выразительным признаком особого субъекта власти (территориальная община), как совокупность большого количества людей; совместная коммунальная собственность; система налогов и тому подобное.

Ключевые слова: власть, государственная власть, трансформация власти, государственный суверенитет, разделение властей и распределение властных полномочий.

Problem statement. It is well-known that state power is a specific and extremely complex system phenomenon. There can be no state, no society without it. In addition, state power is, at the same time, the most influential authority among other varieties of political power under many objective circumstances. Due to what is it provided?

Firstly, due to the development and approval (legally, organizationally, etc.) of the policy and strategy of social development.

Secondly, the state has the widest network of special organs and institutions, which creates the possibility of influencing as many people as possible as their consciousness, beliefs, and behaviour.

Thirdly, the state has such public functions as for the overwhelming majority of citizens as the establishment of laws and enforcement of them, the collection and distribution of taxes in the state budgets, the provision of security and public order, and the arrangement of public life, etc. only.

Due to the above, the public authority is the whole society as a whole. And the state power itself is a specific integrative basis for the whole society, the integrity of the state [1, p. 143].

The significant transformations of state power are largely due to the fact that such a power is a political power at the same time in many countries. *'Political power' is one of the sides of inequality in relations of domination and subjection. It is the domination of one's liberty of the will of others, that is, the subordination of one freedom to the freedom of others, regardless of whether it refers to individual individuals, groups of people, classes, and nations or people*, Ukrainian ethnic and political writers say [2, p. 81]. However, it was this aspect of state power that was and remains rather researched. And this when the task of maintaining the social organization of society, its economic, political, ideological stability, etc., was and still remains the most important task of the state authorities in any country [3].

Equally relevant is the question of the ontological nature of state power, which, although somewhat modified, however, remains fundamentally unchanged in the following: a) the political nature of power (although not all political power is state one); b) a centralized nature. Although this power is divided into three main branches as legislative, executive, judicial (different

in essence); it is holistic and in fact indivisible; c) state power is the property of the state itself and is carried out on behalf of the people. This is a complex aspect that should be substantially explained in the context of a particular state; d) has a kind of arbitration role in the state as regulates all social relations; e) unites citizens and, at the same time, divides them by territorial character (therefore territorial structures and executive bodies are created); f) solely the power of the state is legally authorized for legalized violence (coercion); g) has legal supremacy in society [4, p. 79]. In the process of analysing the problems of the transformation of state power today, this aspect of the problem should also be analysed in the context of its current state.

Not everything looks simple and definite also in terms of determining the types (classifications) of power in general, and most importantly, different signs are presented, according to which such power is divided, singling out for that state power. So, V. P. Khalipov proposes to do the following classification:

- *According to the main spheres of society's life*: economic, social, political, spiritual, social, military, and church;

- *By appointment*: legislative, executive, judicial, as well as, namely: control, election, constituent, and informational;

- *By place in the power structure*: central, regional, local, republican, regional, and district, etc.;

- *By carrier*: monarchical, folk, and national, etc.;

- *For the continuity (duration) of the term of stay in the power of a particular subject*;

- *By coverage of the categories, groups, and contingent of people as military and mafia, etc.;*

- *By force of influence on the subjects: too strong and weak, etc. [3, p. 163].*

Finally, the transformation of political and state power, in the modern age, more and more emphasizes the problem of its separation, decentralization, when the basis of the state becomes not so much a centre as a civil society. *‘Civil society is the foundation of the state; its formation takes place in close connection with the formation of a legal, social, and democratic state. Civil society is a society of mature citizens with a high level of economic, social, spiritual, and political culture, which, together with the state, forms the developed legal relations. Civil society is a society of free citizens, which is free from the state, but interacts with it for the sake of the public good’*, the well-known Ukrainian political scientist F. M. Rudych notes on this occasion [5, p. 15].

These and other aspects listed above are directly related to the state power, actualization of its research.

Analysis of recent research and publications. The theoretical basis for the study of issues of state policy and its transformations is the works of such foreign and domestic scientists, namely: I. Aleksieienko, O. Valevskyi, David Weimer, L. Halahan, E. Hlushko, I. Stepanov, Yu. Shulzhenko, O. Danyliuk, O. Dziuban, P. Myronenko, V. Pohorilko, V. Tertychka, E. Toffler, V. Khalipov, V. Shapoval and many others.

Specified these and other researchers focus on the study as the nature of power in general and state power in particular, their resources, mechanisms

of formation and functioning, etc. The main methodological aspects of such a study look like this.

Every power has its foundations and the base (It means ‘basic’ (from the Greek) as base, and foundation). Social base of power is the most important, because its feature is the support (or not) by the people as the broad strata of the population (citizens).

Among the main types of government, we distinguish economic, social, and spiritual policies [1, p. 52].

We can also talk about the main resources of power, which include the following resources: utilitarian, compulsory and regulatory.

- Utilitarian (material and other social goods);
- Forced (weapons, institutes of physical coercion, and specially trained people);
- Normative (various means of influencing the inner world of a person, his inquiries, interests, needs, value orientations, and behaviour [3].

The purpose of this article is a theoretical and methodological substantiation of the main changes, transformations of state power in the conditions of state sovereignty, the specifics of the division of state power, the peculiarities of its connection with civil society, as in any country of the world, and in Ukraine.

Presentation of the main material. Conceptually, in terms of comprehension of the essence of power and state power we proceed with the following. According to the Russian political scientist K. S. Hazhiiev, power arose with the advent of human society in general. State power, as well as state policy, also

arose with the emergence of the state at the same time.

Citing, in particular, E. Fromm, mentioned by us K. S. Hadziiev, graphically points out that '*power is nothing but a desperate attempt to get a substitute for power when there is no real strength*' [6, p. 265].

We must agree with the opinion of R. Eering in the sense that the state has an absolute monopoly on coercion in relation to the state and its authorities.

A well-known political scientist, M. Weber, generally believed that violence was a clearly defined feature of the state.

In this case, it is important to understand the following. The state is a close unity of common and private interests. There is a national interest and purely human, personal. The main problem is the civilized coordination of these interests. On the one hand, a person (citizen) tries to maximize the realization of his own interest, and, on the other hand, because he is a member of a large community (society) must (compel) to coordinate his interest with the general public. This should be done by the state.

We must allocate first of all legitimacy and sovereignty of all the features of modern state power.

Legitimacy is, in fact, the authority of power in both the people and society. The degree of legitimacy is the number of those who support authority. Legitimacy of power depends on many factors as the time and the success of most institutions of power. The legitimacy of the situation is explained more precisely by the fact that the interests, positions, demands, and needs, etc. of power

and community. If citizens believe that they are managed in the same way as it is normatively defined, then these managers (power and authorities, etc.) are legitimate. M. Weber has distinguished three types of legitimacy: legitimacy based on traditions; legitimacy based on the right; legitimacy based on the charisma of the one who manages (See the power). History knows a lot of examples of the charismatic legitimacy of the power of individual and unusual personalities. This is especially true of power in some eastern states, as an example, China, North Korea, and Syria and so on.

Now we will be talking about sovereignty and its role in the formation and functioning of state power. Sovereignty is the right of the authorities to govern a certain territory and at a certain time. Sovereignty can be permanent and temporary.

In order to fully understand the role and significance of the sovereignty of the system of government, the following basic characteristics should be taken into account:

- *Supremacy* (supreme power in the territory, territorial integrity and inviolability);
- *Indivisibility* (there cannot be two supreme authorities, and, therefore, two sovereignty in the country);
- *Inalienability* (someone else's recognition does not require sovereign rights; they cannot be doubted, and even more so, be cancelled);
- *Absoluteness* (the possibility of an exclusively voluntary restriction in order to realize its own sovereignty, as it is noted in the Declaration on State Sovereignty and the Constitution of Ukraine).

We emphasize especially following. Whatever reforms, transformations of a political, economic, social or other nature in the state did not take place, in the foreground there its sovereignty, territorial integrity, regardless of whether it is unitary, federal, confederative, or any other have always been and remains.

The notion of '*sovereignty*' includes several special, closely interconnected components. Thus, the main features of sovereignty in the Declaration on the State Sovereignty of Ukraine, adopted on July 16, 1990, are: supremacy, independence, fullness and indivisibility of power within the territory, and independence and equality in external relations [7]. As you know, the Constitution of Ukraine, adopted in 1996 [8], begins with the article on sovereignty.

Talking about state power, it is very important to draw attention to the fact that there is a group of subjects of international and domestic life of countries that affect the limitation of state sovereignty of individual countries. Such subjects have their own dynamics of development and the state, with varying degrees of voluntariness, of course, inferior to the part of their sovereignty.

Ukrainian political scientist I. V. Aleksieienko refers to such subjects as: a) international institutions and organizations; b) transnational economic actors operating on the global market; c) sub-state regional actors (federal lands, regions, cantons, and republics) operating in transnational spaces without resorting to mediation of governments; d) non-governmental organizations; e) hybrid education (public-private-social groups, or actors of the third sector) [9, p. 7].

The indicated problem also requires a more thorough study, since there are supporters of the point of view of actually maximizing the subordination of the '*national*' policy to the '*international*' one, and, conversely, many researchers in the field of law, political science, and international relations argue that the national interests of individual states must dominate the international.

Another aspect of the '*delineation*' of politics, and state policy, etc. It is connected with the fact that in fact in modern states, including in modern Ukraine, there are two powers as state power and municipal authorities in their close combination. At the same time, the municipal government is a system of power relations, which implements the functions and powers of local self-government. Municipal government is a form of not only social but also public (along with state) power, operates within a territorial community, is implemented on its behalf either directly, or by bodies and officials of local self-government and based on the norms of law. Municipal government can be defined as a form of social relations, in which, according to the rules of the territorial community, the activities of some actors, affecting the activities of others, change or stabilize it in accordance with its goals within the framework of national policy. At the same time, it should be emphasized that the two sides of social governance – as democratization and statehood resulting in the general context of changes in social and economic, and political processes, synergistically interwoven and synthesized into a single institutional and regulatory complex of public power [10].

It is clear that the whole problem is how constitutionally defined state and municipal authorities, as they are practically organized. At the same time, the issue of separation of powers and the division of powers between the separate branches of power and between the state and municipal authorities is crucial importance.

It should be noted that local self-government, as a specific form of public power, is also characterized by a distinctive feature of a particular entity (the territorial community) as a set of large numbers of people; joint communal property; and tax system, etc.

Now we will talk about the separation of power. The classical consideration of the problem of separation of powers is in the fundamental work of a great scholar Ch. L. Montesquieu, who in his fundamental work, *On the Spirit of Laws* (1748), concluded that '*freedom is possible in any form of government, if the state has the right to rule, is guaranteed the observance of the rule of law through the division of powers into the legislative, executive and judicial, which mutually hold back each other*'.

We emphasize that the division of state power is carried out in accordance with its functions in modern Ukraine. At the same time, there are traditionally legislative, executive and judicial, although experts in constitutional law, individual philosophers, political scientists, and experts in the field of public administration often distinguish power control and oversight and presidential.

If we take into account that there are many special supervisory bodies of the supervisory nature as the Prosecutor's Office, the Constitutional Court, the Ombudsman of the Supreme Council

of Ukraine on Human Rights, the Accounting Chamber, the National Radio and Television Council, the Supreme Council of Justice, that is, the grounds to speak about control-overseeing power as sufficiently independent political power in Ukraine.

The supervisory power is not something new and unusual. It was talked about in the days of Confucius in China; it was offered by the Russian Decembrist at their reformation projects (*The Russkaia Pravda (The Russian Truth)* of P. Pestel called this power as observatory). A number of Ukrainian researchers suggest referring to the control branch of power the Constitutional Court of Ukraine.

There is not enough single point of view regarding the power of the president as a separate branch of political power. There are two points of view here. First, the power of the President of Ukraine is a synthesis of legislative, executive and judicial power; Second: the power of the President of Ukraine is an independent government. It is also clear that a number of functions of the President of Ukraine are sufficiently decisive for the political power of the state in international relations. In accordance with Article 106 of the Constitution of Ukraine, the President of Ukraine: '*Represents the state in international relations, carries out management of foreign policy activities of the state, negotiates and concludes international treaties of Ukraine*' [8, p. 47].

The authorities of the President of Ukraine claim and due to several of its functions and powers that are well known, but also cause serious discussions on this for a certain separation of political power.

The system of bodies of state power and bodies of local self-government in any state, including Ukraine, is the so-called mechanism of the state, or the state mechanism, due to which not only the corresponding state policy is implemented, but the state as a whole functions as well.

The main democratization factors that make up the mechanisms of the state are as follows: a) the principle of separation of powers; b) the system of administrative-territorial structure of the state; c) the sphere (objects) of public administration.

It is clear that these factors are intended, on the one hand, to ensure the effectiveness of the practical implementation of state policy at all levels of the administrative and territorial division of the state, and, on the other hand, to ensure, at the same time, the unity, integrity of the state, in accordance with the existing political system. As stated, the basis for solving the last task was and is the unity (cooperation) of state authorities and local self-government bodies.

Authority, weight, and, most importantly the effectiveness of state power, in the most significant way, depends on its publicity. The term '*publicity*' is understood as a certain level of public access to the public, i. e., the measure of the level of such publicity is the participation of citizens in the development, and even more practical implementation of state policy. The Ukrainian researcher V. Stepanenko (and it makes sense to agree), understands the publicity of power in two main ways as follows: a) the openness of the functioning of the bureaucracy and transparency of its decision-making; b) public par-

ticipation in shaping the political order for power decisions is, first and foremost, the problem of the specific relations between the authorities (as an all-seeing, all-knowing, omnipotent decision maker) and social knowledge [11, p. 19]. Meanwhile, many scholars, namely: Yu. Habermas, N. Loman, L. Ionin, F. Fukuyama and some others explain publicity as a matter of accessibility. Moreover, the publicity of the authorities is a more important basis for the democratization of social relations. Thus, Habermas believes that political openness of power acts is '*the highest manifestation of those conditions of communicativeness in which the discursive formation of the thought and will of citizens of the state can be realized, may be regarded as the basic concept of a normatively formed theory of democracy*' [12].

The problems of transparency, publicity of state power have become most noticeable since the first years of independence, in the course of new forms of contacts, relations between the authorities and the people as rallies, demonstrations, speeches of leading politicians before large mass gatherings in modern Ukraine.

Openness and publicity of government have begun to evolve under many circumstances in Ukraine. But the most important circumstance was the democratic pressure on the authorities on the part of the people as '*the admission of the people to power*' was posed as an objective reality, a need for public life in many circumstances. It is clear, however, that the demand for state power to be more transparent, publicly, is to a large extent conditioned by the growth of consciousness, the political

culture of citizens, and the formation of a high civil position of millions of Ukrainians.

Conclusions and perspectives of further research. State power is an objective and natural phenomenon of social existence. Since non-governmental human communities does not actually exist in the world, state power has been and will remain a more important tool for reconciling the lives of millions of people in one place, on the Earth as a whole.

State power is transforming, changing due to changing political, social, system of societies, political regimes of countries, relations between countries.

The issues of legitimacy, sovereignty of the transparency of state power, and its formation are acute in the middle of national states. Concerning the practical functioning of state power, now a deeper study needs a problem of separation of powers and the distribution of power. The use of this principle, which ensures the real subsidiarity of the authorities, the formation of more effective, responsible democratic relations between state power and civil society, is the first priority of the transformation of state power in the conditions of modern transformations of countries and societies.

Investigation of these problems will open up much wider possibilities of providing state power not as the authority of the centre, but also of the leading political structures but as the authorities of the people and the community. Such processes are crucial for a more humanistic and civilized arrangement of human life in the context of global democratization processes.

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