



## CITIZEN PARTICIPATION IN PUBLIC AFFAIRS – THE BASIS OF THE VIABILITY OF DEMOCRACY

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### Summary

The problem of citizen participation in public affairs is reviewed in this article. It's noted that the need for citizen participation not only for government because it legitimizes such activities and democratize, but also for people, communities and individual. This is the real way for creating necessary rights law, where people are subjects of law-making, is «entry» to the right person. The attention is focused on that despite normative constitutional recognition of basic democratic procedures; post-Soviet problem is clear, legally and practically supported by mechanisms of democratic government and civil society. The author's definition of citizen participation in public affairs is given.

**Key words:** democracy, public affairs, citizens.

### Аннотация

В статье рассматривается проблема участия граждан в управлении государственными делами. Констатируем необходимость участия граждан не только в делах государственной власти, поскольку такая деятельность ее легитимизирует и демократизирует, но и для народа, общества и отдельного человека. Это реальный способ создания необходимых для человека правовых норм, где человек выступает субъектом правотворчества, происходит «вхождение» человека в право. Акцентировано внимание на том, что, несмотря на нормативное конституционное закрепление основных процедур демократии, проблемой постсоветского пространства являются четкие, законодательно определенные и практически подкрепленные механизмы демократизации власти и развития гражданского общества. Представлена авторская дефиниция участия граждан в управлении государственными делами.

**Ключевые слова:** демократия, народовластие, управление государственными делами, гражданин.

**Introduction.** A person focusing today is the basis of legal ideology and «foundation» for the rule of law, civil society and legal system. The basis for modern law is to analyze the interaction between man and the state where the first serves basis for the functioning of the state, its rights and freedoms have legal value. Humanism dominant influence on the relationship of state and society determines the validity and legal status of protected persons, democratic state and political spheres, which has not only theoretical but also practical. Post-Soviet reforms that should be carried out should implement democracy, humanism, human centrism and liberalism as important principles for future upgrades.

We also note the need for citizen participation not only for the government because it legitimizes such activities and democratize, but also for the people, communities and individual. This is the real way to creating the necessary rights law, where people are subjects of law-making, is the «entry» to the right person, because «entity – a source of law, the source of all legal roles, it's a legal personality that creates out objectively right, objective legal matter they would, activity, consciousness» [1, p. 10]. Person through participation in public

affairs presents itself as «alpha» and «omega» legal and public-relations of authority.

Consensus between the state and the individual in the political and legal sphere creates a proper field for interaction. Ukrainian prominent theorist A. Petrishin points out that «the essence of law should be seen in direct connection with the processes of socialization of individuals democratization of political life, the active participation of citizens in the process of law-making, including the identification of the need to regulate certain social relations, social expectations regarding the formation and orientation regulation of content, discussion of draft laws and other legal acts and changes to proposals involving the public in the implementation and evaluation of the effectiveness of legislation» [2, p. 25]. Citizen participation in public affairs is an essential mechanism for establishing consensus between civil society and government agencies.

All this leads to the relevance of the study subjects. Although it should emphasize that scientists studied law in certain areas of the subject, in particular analyzed aspects of citizens' participation in elections, a referendum has been actively discussed problems

of implementation of «e-government» standards of political parties and civil society organizations. In the literature review issues of public participation in public affairs investigated in the works of the Ukrainian and international law, including S. Alekseev, I. Zharovska, M. Koziubra, M. Matuzov, N. Rotar, O. Skakun, S. Slivka, etc. It should be noted that a significant gap in theoretical law is no single comprehensive understanding of the nature, mechanisms, and means of public participation in the implementation of state. This research paper aims to analyze the participation of citizens in the exercise of state authority in modern society and its impact on democracy.

**Key provisions.** The post-Soviet states, including Ukraine and legal institutions form of «white sheet». If the developed European countries democratic mechanisms and institutions are the norm, sustainable intentions, in post-communist countries the process is painful and difficult. According to the experts of the Institute of Political and Ethnic Studies, Kurash National Academy of Sciences of Ukraine, Ukraine continues during the formation of a neutral state, and this process is influenced by Western institutional



models: newly design institutes outside meets Western standards [3, p. 29].

However, we understand that planting outside, even the most righteous standards and principles is by implementing them into national basis. Democratic reforms taking place with national traditional law-making mental principles. According to O. Derhachova, Ukraine inherited from the Soviet Union the tradition of «hard state» that is inherent exaggeration of the role and functions of government, its claim to have all control and nominally likely to respond. In particular, it is one of the basic reasons of real irresponsibility distribution. Viewing capabilities of the state creates its obligations congestion, increases the number of areas in which would act market, government, and citizens' initiative where it is doomed to failure. In addition, this concept of the government creates two large-scale negative phenomena. The first – the bureaucracy, the attraction to manual control, weakening the role of laws and law; second – consolidation of state paternalism and dependency is encouraging mass [4, p. 22].

In Ukraine, as in other countries of classical Roman-Germanic legal system, the Constitution is the fundamental law, which contains the main essential characteristics of law-making and nation-building. The fundamental principles of democratic models listed in the Constitution are: according to Constitution Ukraine is a sovereign, independent, unitary, democratic, social, legal, state – republic; value and priority of human rights; separation of functions of government, legal mechanisms of their interaction so that each of the branches had a dominant influence on the power business; political, economic, and ideological differences; referendum on electoral activities and people; declared the independence of the judiciary; legality of the control and supervision of others. However, the establishment of common democratic institutions is not enough. We need clear, legally and practically supported by mechanisms of democratic government and civil society. One of the main of such mechanisms is the participation of citizens in public affairs.

The central problem for the Ukrainian political and legal institutions

is declarative constitutionally-defined rules, the concerns and issues of citizen participation in public affairs. Many democratic procedures do not work (e. g. the problem of the lack of legislation regulating the right of citizens to hold local referenda) or if they are having nominal rather than real nature (national debate bills activities of public councils in the government, etc.). According to Professor of Political Science G. Svita, the value of democracy is formulated in all its elements, principles, forms and institutions. Instrumental value of democracy is defined through its functionality – «a tool in the hands of man to solve social and public affairs» [5, p. 91].

The democratization of the state cannot take place without the participation of citizens in public affairs, so it should be mentioned direct dependence pace of democratic transformation on the level of involvement of citizens in decision real state legal decisions. Powerful decision shall be effective, optimal answer to the national interests, they should support the public. Citizen participation in the political process is essential to democracy to be viable.

Democratic and rule of law as the basis perceive complex concept of the rule of law. It is through public participation possible implementation of the rule of law, since implementing valuable characteristics for human regulatory system implements the rights and freedoms in accordance with international standards stated the actual dominance of citizens before the interests of the state. The rule of law is a set of principles whose observance allows distinguishing legal from illegal state, humanistic system of legality from ant humanistic. Respect for the rule of law presents new level requirements for the state's attitude towards human rights: if in the early stages of development of ideas about the legality assumption that the government must obey the law as well as citizens, the modern idea argue that human and civil rights are above interests [6, p. 21].

Democracy presupposes democracy that is the only source of power serves the people. «The key to this is to create conditions for the management of all the affairs of society not only on behalf

of the people and not only in the public interest, but also the implementation of governance by the people» [7, p. 102]. That control provides not only democratic state and government, but there is a mechanism for the people. The people generate power and therefore have no right to control its activities at all stages.

Citizen by joining the public service or elective office becomes a state apparatus becomes official government bodies, as represented by the state. O.V. Obolonskyy pointed out that for persons who are outside the state apparatus, there are two main modes of behavior in relation to governance, implementation of rules and regulations and participation in governance. Last morally refracted through categories: active, active attitude, initiative, self-actualization, interest, constructive activity, socially active person [8, p. 126-129].

Given the above, O. Skibina offers the following definition: citizen participation in public affairs – a conscious, free, active, public, voluntary, deliberate, not prohibited by law citizens in the exercise of state authority, which is aimed at the formation and control of activities state of all branches of government [9].

We cannot fully agree with the definition quoted author, as she pointed out two elements that seem to us to debate.

First we should not categorically define governance as Volunteers. So in general, in most of the forms of participation are voluntary, but «in certain countries provides for a mandatory vote, that is a legal obligation of voters to vote. Participation in elections is seen as a civic duty of every voter. But for non-participation in the election does not come any liability. However, not all foreign countries participated in the election is only the civic duty (Austria, Belgium, Italy, Netherlands, etc.). There is established liability for failure to participate in elections. For example, in Austria the person who avoided the elections subjected to a fine of 1 thousand schilling and Pakistan provides for criminal liability in the form of hard labor to 6 years and a fine of 5 thousand Rs» [10].



Secondly, we believe that bind to the government restricts the right of citizens studied. State power is related exclusively with the state authorities. We think that is appropriate to link public participation in the management of broader – public authority, defined as 1) people power that meets art. 5 current Constitution of Ukraine, according to which «the bearer of sovereignty and the only source of power in Ukraine are people»; state authority exercised on the basis of the separation of legislative, executive and judicial powers (Art. 6 of the Constitution of Ukraine); Local Government – form of democracy, through which the management of local affairs in the lower administrative units (villages, towns and cities) [11, p.13].

Subsequently, the author somewhat alters its definition and make the following definition: citizen participation in public affairs is defined as legitimate public activity of citizens of Ukraine to influence the adoption, implementation and monitoring of the implementation of the decisions of national importance, directly or through representatives in all branches of government, guaranteed in the Constitution relevant fixing subjective rights [12, p. 48].

In terms of determining corrected, we understand that a final thesis by definition would focus on that citizen participation is a constitutional right person. However trope is constructed so that the context is understood that public participation is not personnel in all forms that are not prohibited by law, but only those expressly provided for in the Constitution. One of fundamental rule of law is the principle – «person is permitted to anything not expressly prohibited by law», so the part cannot be clearly formalized, although due to the modernization of legal relations. So relatively new form of participation is the introduction of «e-government», online public consultation, access to information of public authority through the global Internet and more. When new forms of citizen participation need to amend the Constitution, otherwise they logically cited authors will not have legal value.

**Conclusion.** We believe that participation in public affairs – is active, personally or through

authorized representatives, not prohibited by law a citizen in the area of public administration that is making, implementation and monitoring of national importance weighty decisions, acts as a sign of democratic state legitimizes state authority and ensure the rule of law. In this definition we deliberately use the term «citizen» in the singular, as one person can also be managed by private addresses to public bodies.

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