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## POLITICAL INTEREST IN THE MECHANISM OF REALIZATION THE POLITICAL FUNCTIONS OF THE STATE

Uliana KUZENKO,

Applicant at the Department of Theory and History of State and Law,  
Constitutional and International Law of Lviv State University of Internal Affairs

### Summary

The theoretical analysis of the provisions concerning the significance and content of political interest in the mechanism of realization of the political functions of the state, are defined. It is established that the political function of the state is the foundation for creating the basic principles of state policy in various areas of social development. The attention that the political interests generated by the social nature a specific society, the attitude and situation of social groups in the system of political relations. They are the concentrated expression of interest which are refracted in the interest of winning or retention government.

**Key words:** interest, legal interest, public interest, political interest, political function of the state.

## ПОЛИТИЧЕСКИЙ ИНТЕРЕС В МЕХАНИЗМЕ РЕАЛИЗАЦИИ ПОЛИТИЧЕСКОЙ ФУНКЦИИ ГОСУДАРСТВА

Ульяна КУЗЕНКО,

соискатель кафедры теории и истории государства и права, конституционного и международного права  
Львовского государственного университета внутренних дел

### Аннотация

Осуществлен теоретический анализ положений, касающихся значения и содержания политического интереса в механизме реализации политической функции государства. Установлено, что политическая функция государства является фундаментом для создания основных принципов государственной политики в сфере экономики, культуры, социального развития, охраны окружающей среды и т.д. Она формирует в обществе климат, способствует развитию других направлений деятельности государства. Акцентируется внимание на том, что политические интересы порождаются социальной природой конкретного общества, позицией и положением социальной группы в системе политических отношений. Они составляют концентрированное выражение интересов, которые преломляются в интересах завоевания или удержания государственной власти. Формирование политического интереса является процессом осознания субъектом политики своих потребностей в конкретных социально-политических условиях.

**Ключевые слова:** интерес, законный интерес, публичный интерес, политический интерес, политическая функция государства.

### Formylation of the problem.

Today Ukraine is the process of introducing new principles of the political system, which contributes to further understanding of the needs of political life. In this context, particular relevance is the question of political interests as one of the main elements of policy, the driving force of the political functions of the state, leading various interest groups to social cohesion and political consensus. Political interests expressed needs of society, social groups, communities, political parties, etc. in politics that serve the cause and motive of political action actors.

**Background research.** The current state of jurisprudence demonstrates a lack of scientific concept of sustainable and cohesive approach to understanding the signs, elements of the mechanism of realization of state functions, indicating a need for scientific development theory

mechanism for implementing the political functions of the state.

**State of investigation.** The issue of state functions and the mechanism of their implementation were analyzed in the writings of scholars such as T. Andrusyak, M. Baytin, V. Bulba, A. Varich V. Vasilenko, Yu. Groshevyi, A. Dzhurayeva, M. Koziubra, A. Kolodiy, A. Kopylenko V. Kotyuk, V. Kopyeychikov, V. Kudrya, O. Martseiyak, V. Melashchenko, L. Morozova, G. Padalko, V. Pohorilko, O. Skakun, O. Skrypniuk, W. Temchenko and others. Significant scientific contribution to the development of state for political functions have authors such as V. Andrushchenko, I. Hladunyak, V. Gorbatenko, V. Zhuravsky, N. Nyzhnyk, V. Opryshko, F. Rudych V. Tacyi, Yu. Todyka, P. Shlyahatun et al.

**The purpose of the article** is an analysis of the scientific and theoretical

the provisions concerning value content and specific political interest in the mechanism of realization of the political functions of the state.

**The description of major research.** Interest category – one of the main general categories, which allows to reveal relationships between objective laws and business activity in the outside world. Interest is the subject of study of many sciences. However, if in philosophy, psychology or sociology issues considered of interest in the theoretical plane, then the law – it is also the task of lawmaking and enforcement.

In reference source interest (lat. Interest – to be inside, be important, lat. Interesse – matter) is interpreted as: 1) in psychology, personality trait, which is in skerovanosti man to gain some knowledge or perform certain activities ; interest; 2) in sociology that what most interested in



someone, that is the content of someone's thoughts and concerns; aspirations, needs [10, p. 310]; 3) Weight value; focus on meaningful for human subject or activity; 4) that is beneficial to anyone or anything, meets the demands, needs [11, p. 366].

In a philosophical sense of the term «interest» is closely related to the concept of «needs»: «<...>inherent in human relations, expressing positive or negative direction of its activity, activities, historical creativity in the search, selection, use or create paths means methods, norms and social institutions that can satisfy human needs. Hobbies man <...> is the driving force of the historical process» [12, p. 246]. The needs in this case are defined as properties of entities that are in their relation to the required conditions.

Interest may be «legitimate interest», «legally protected interest», «legally protected interest» and illegal, that is, one that is not protected by law or the law should not be content with or provided by them, since such interest may be directed to restriction of rights, freedoms and interests of other individuals and entities, limit by the Constitution and laws of Ukraine interests of society or the state, and not the Constitution, laws of Ukraine or the recognized principles of law.

Despite the close connection with subjective right, interest can not be considered a subjective category. Rather he serves an objective phenomenon that exists in the form of communication with others of its subject conditions and needs.

Interest is also a criterion of demarcation of the right to private and public (more precisely, to consider the nature of the interest sold by a specific relationship).

The question of the definition of this category has long been debated in legal literature (S. Alekseev, O. Vinnik, A. Goncharova, V. Griбанov, A. Ekimov, S. Mikhailov, P. Rabinovich, M. Sambor, Yu. Tikhomirov, H. Shershenevich, Yu Shuplyetsova). Leaving aside the numerous debates on this subject, we restrict the approach that we believe is the most appropriate category for understanding interest in the law. According to this interpretation concern – is an objective social phenomenon that is determined by the material conditions of life of a society and the level of development of its culture, ideology, morality, law [3, p. 17].

Among the many options for interpretation of the concept of interest as an objective category, in our opinion, should also provide definitions set out A. Ekimov, who notes that interest – it objectively existing focus on creating and learning objects and needs [14, p. 6]. However, specific interests in the law, as rightly observes S. Mikhailov is especially their manifestations – in the activities for the establishment, changes, termination, protection of subjective rights and duties in the relationship using legal means to achieve their goals [6, p. 88].

Approaches to the definition of interest in the law rather diverse as the form of its expression, a legitimate interest; interest protected by law; interest protected by law. In addition, legal literature there are various modifications depending on the particular media interest, public interest, private interest, public interest, the interest of the local community, public interest, national interest, the interest of individuals, political interest and more. A proper understanding of these types of legitimate interest is essential for the recognition of the legal existence of the latter and for its protection.

Legitimate interest – Is extremely multifaceted phenomenon of legal society projected in various fields and spheres of everyday life of each person. The complexity of the legal category of research is that it has not found a direct interpretation of the law. Hence differences of opinion concerning the legal interest and understanding of its place in the state-legal phenomena [2, p. 29].

Some scholars insist on the view that a legitimate interest can be public or private. Public interest in limiting private interests (and vice versa private interest limiting public interest). These restrictions are fixed in the form of a legal obligation entity.

According to H. Mysnyk, N. Mysnyk, the public interest – is a public interest in the possession and use of certain goods, and this concept must be distinguished from the concept of public interest, public interest since the carrier is society, not the state [5, p. 30].

The current legislation of Ukraine the term «interest» is not disclosed. In the Constitutional Court of Ukraine in the case of 01.12.2004 p. near term «legally protected interest» was defined

as «a desire to use a specific tangible and / or intangible benefits <...> to meet individual and collective needs that do not contradict the laws of Ukraine, the public interest, justice, honesty, reasonableness and other general legal principles» [9].

The Constitutional Court of Ukraine said that the etymological meaning of the word «interest» includes: a) attention to someone, something, interest in someone, something; curiosity, admiration; b) weight; value; c) that the most interested in someone, that is the content of someone's thoughts and concerns; d) the desire and needs; e) that is beneficial to someone, something, someone meets the aspirations, needs; f) benefits.

A variety of legitimate public interests are political interests, primarily reflecting the relationship between social groups and between social groups and the state over political domination of political power and the implementation of the political functions of the state. The political function – is the most important function of the state, ensuring political stability, exercise authority, policy making for the benefit of man and society. This approach is based on the fact that this function is the regulation of relations in the political sphere of society and create favorable conditions for effective livelihoods political system and its elements.

The political function of the state is the foundation for creating of favorable conditions, basic principles of state policy in the sphere of economy, culture, social development, environmental protection and so on. It creates a climate in society that promotes the development of other areas of the state. From other state functions this different dynamic and flexibility on the settlement of relations that arise in all areas of public life.

The political function of the state aimed primarily at creating a democratic society, ensuring its unity as an integral social organism. Through political function, the state should act as a kind of arbiter in the event of a conflict between the interests of different stakeholders of public relations, to ensure the effective implementation of human rights and the common good. A complex and extremely versatile activities of the state in the political sphere is essentially a base while creating conditions for effective implementation of all other state functions [4, p. 24].



The process of implementing functions – is the state's influence on various economic, political, ideological, social, spiritual, cultural and other social events. Therefore, the content of each function is defined as the state's influence on the relevant areas of homogeneous social relations. Themselves relations in the functioning of the state acting as an object of state and legal action. Therefore a variety of public relations, regulated by the state determines the diversity of its functions.

In the legal literature, most authors under the forms of the functions of the state understand, first, the activities of the main parts of the state mechanism, specific types of government activities as opposed to activities of non-governmental organizations; second, a homogeneous in its external features activities ordered sequence of authorized state bodies system, through which state functions are implemented [7, p. 178].

Specificity of political interests in the political system of society is that they are closely related to the implementation of state policy in various fields. They influencing political mechanism for the implementation of state functions by: 1) promoting political activity of subjects policy; 2) directing political activity for the organization of society through political power, coordination of controversial conflicts between different social groups; 3) formation objectives political function of the modern democratic state.

Before we describe the role of political interest in the mechanism of realization of the political functions of the state, it is appropriate to note that all the functions of the state are political. In the sphere of political relations is involved whole system of political institutions, agencies and other public agencies, through which the direct influence of the government on all social relations, but primarily to ensure the democracy, that is the real power of the people.

Political interests generated by the social nature of a particular society, the attitude and situation of social groups in the system of political relations. They are the concentrated expression of interest which are refracted in the interest of winning or keeping government. As noted by L. Radchenko, «meaning political interest is in the nature and direction of political ideas, ideals, principles, views,

feelings and moods that represent different levels (theoretical and casual) awareness for social groups» [8, p. 600].

As a result, embodied the principles of internal policy of Ukraine stipulated in the Law of Ukraine «On principles of internal and foreign policy», namely: freedom, social justice and creative self-realization, citizen participation in public and social affairs; social partnership and civic solidarity; open and transparent process of preparation and decision-making by public authorities and others.

The specificity of the political interests of the public interest in the system is that they are closely related to the mechanisms and ways of exercising power in society and perform basic functions: 1) stimulate political activity business policy; 2) direct political activities for the organization of society through political power, reconciliation of conflicting social action of different classes and groups; 3) reflect the varied social interests and serve as a basis for uniting and separation business policy; 4) is the basis for the purposes of political activity and regulatory freedom.

Political interest can be defined as the ratio of human social groups in the political process, based on their beliefs, an internal source of political conduct that encourages people to establish political objectives and implementation of specific policy actions to achieve them.

Formation of political interest is the process of understanding the subject policy (state, national, associations) their needs in specific social and political conditions. With an entire range of needs elects priority requiring mandatory fun.

After the political interest has already been formed, comes next process – is its implementation that provides their realization in life. Implementation interest – is objectively determined process which gives the desired result only under certain circumstances arising independently of the will and consciousness. However, the very first prerequisite for the realization of political interest advocates awareness of its carrier. Knowledge of self-interest is to understand the objectives of their own activities, ways and means of implementation. However, awareness of interest is not limited to the knowledge of its content. It also includes the value orientation of subjects in political events and processes in terms

of their compliance or non compliance of their interest.

Thus, the main driving force, the reason and purpose of politics is a political interest. Awareness of political interest, motivation formation and development objectives ending its implementation. On the effectiveness of the implementation on the interests affected by many factors: the specific historical circumstances, the balance of political interests of all media and the interests of various species in other media specific implementation of appropriate political activities, the level of persistence in achieving goals like.

The term «mechanism» is traditionally understood as a system in which the achievement of one element causes movement of the other. The interpretation of the term «mechanism» (in Greek *mēhanē* – tool, device, machine) disclosed in general terms as «internal structure of the system (eg, state); the sequence of states or processes any events» [10, p. 451]; «A set of conditions and processes that make certain physical and chemical phenomenon» [1, p. 474].

The word «mechanism» as a purely technical term is widely use in the field of humanities. In jurisprudence of wide meaning its use has become a system of legal means, system tools and factors of conditions and resources and so on.

Category «mechanism» used in various fields of social, legal and law *gosudarstvovedeniya*. It is used not only in relation to the mechanism of legal regulation of social relations, but also such a thing as»the mechanism of state (state mechanism)), «management mechanism», «the mechanism of checks and balances», «the mechanism of legal influence», «mechanism of legal regulation», «mechanism of implementation of the law», public-regulation, mechanism to ensure (guaranteeing protection) rights and freedoms, and so on. Common features for these categories that represent different legal essence of the phenomenon is systematic and dynamic relationships between key terms and means of implementing these mechanisms.

B. Chetvernin, treating mechanism of realization of state functions, considers it appropriate to interpret the term «mechanism» of the item does not mix certain elements (such as public and private bodies) and system interconnection elements forming order any action. «The



mechanism, – the scientist – is always a certain functional characteristics of the object. Therefore, the term «mechanism» should be used not only for structural description of the system of state bodies, but also to determine the functional specificity of different parts (subsystems) and elements of the state apparatus» [13, p. 567].

**Conclusions.** The mechanism of realization of the political functions of the state essentially acts as a single, integral and independent phenomenon political system is a set of interrelated and interacting prerequisites legal, regulatory tools and general social conditions that create the appropriate legal and factual possibilities for full implementation of the political function of each component state.

For effective and legitimate functioning of the necessary constitutional and legal regulation of activity of realizing Ukrainian political function of the state. Creation and operation of a public authority needs a legal framework that is publishing a special legal act. The set of regulations that govern social relations between actors in implementing their political functions of the state, a regulatory mechanism for implementing the foundation of political functions Ukraine.

In the process of developing the principles of political functions of the state social needs and interests through compromise their determination turn into some subjective aspects incentives and motives of political relations that obtain the consolidation of its specific regulations of general and sectoral. With these acts of public policy fixes, for a specified time, the state will in individual spheres of society and in its whole. Thus the state will aimed at preserving the integrity of society through ensuring coherence main social actors or decision of a social conflict.

The main driving force, the reason and purpose of the political functions of the state is a political interest. Awareness of political interest, motivation formation and development objectives ending its implementation. On the effectiveness of the implementation on the interests affected by the following factors: the specific historical conditions, the balance of political interests of all their subjects, the specific implementation of appropriate

political activities, the level of persistence in achieving goals like.

Summing up, it should be noted that the scientific study of that issue reveals the priority targets for further scientific research in developing a coherent theory of mechanism for implementing the political functions of the state and the role of political interest in the process.

#### List of references:

1. Великий тлумачний словник сучасної української мови (з дод. і допов.) / [уклад. і гол. ред. В.Т. Бусел.] – К.; Ірпінь : ВТФ «Перун», 2005. – № 2(68). – Ч. 2. – С. 27–33.

2. Гаврильців М.Т. Екологічний інтерес: поняття та сутність / М.Т.Гаврильців//Митна справа.–2010.– № 2(68). – Ч. 2. – С. 27–33.

3. Крупчан О.Д. Методологічні підходи до проблеми взаємозв'язку публічного і приватного права / О.Д. Крупчан // Методологія приватного права. Зб. наук. праць. – К. : Юрінком Інтер, 2003. – 480 с.

4. Кузенко У.І. Політична функція сучасної держави: поняття, зміст, структура / У.І. Кузенко // Науковий вісник Ужгородського національного університету. Серія «Право». – 2014. – Вип. 28. – Т. 1. – С. 23–26.

5. Мисник Г.А. Публичные и частные интересы в экологическом праве / Г.А. Мисник, Н.М. Мисник // Государство и право. – 2006. – № 2. – С. 29–37.

6. Михайлов С.В. Интерес как общенаучная категория и ее отражение в науке гражданского права / С.В. Михайлов // Государство и право. – 1999. – № 7. – С. 86–92.

7. Пиголкин А.С. Теория государства и права / А.С. Пиголкин, А.Н. Головистикова, Ю.А. Дмитриев ; под ред. А.С. Пиголкина, Ю.А. Дмитриева ; [2-е изд., перераб. и доп.] – М. : Высшее образование, 2008. – 743 с.

8. Радченко Л.М. Політичні інтереси: поняття, функції, типологія / Л.М.Радченко//Державаіправо.–2012.– Вип. 56. – С. 600–605.

9. Рішення Конституційного Суду України від 01.12.2004 за № 18-рп/2004 у справі № 1-10/2004 за конституційним поданням 50 народних депутатів України щодо офіційного тлумачення окремих положень ч. 1 ст. 4 ЦПК України (справа про охоро-

нюваний законом інтерес) // Офіційний вісник України. – 2004. – № 50. – С. 67. – Ст. 3288.

10. Сучасний словник іншомовних слів : близько 20 тис. слів і словосполучень / [уклали : О.І. Скопненко, Т.В. Цимбалюк]. – К. : Довіра, 2006. – 789 с.

11. Сучасний тлумачний словник української мови : 100 000 слів / [за заг. ред. проф. В.В. Дубічинського.] – Харків : ВД «ШКОЛА», 2011. – 1008 с.

12. Філософський енциклопедичний словник / під ред. В.І. Шинкарука. – К. : Абрис. – 2002. – 742 с.

13. Четвернин В.А. Государство: сущность, понятие, структура, функции / В.А. Четвернин // Проблемы общей теории права и государства / под общ. ред. В.С. Нерсисянца. – [2-изд., пересмотр]. – М. : НОРМА : ИНФРА-М, 2010. – 816 с.

14. Экимов А.И. Интересы и право в социалистическом обществе / А.И. Экимов – Л. : Изд-во Ленинградского ун-та, 1984. – 135 с.

#### ИНФОРМАЦИЯ ОБ АВТОРЕ

**Кузенко Ульяна Ивановна** – соискатель кафедры теории и истории государства и права, конституционного и международного права Львовского государственного университета внутренних дел

#### INFORMATION ABOUT THE AUTHOR

**Kuzenko Uliana Ivanovna** – Applicant at the Department of Theory and History of State and Law, Constitutional and International Law of Lviv State University of Internal Affairs

*kuzenkoul@gmail.com*