

PROBLEMS OF INTERACTION OF CIVIL SOCIETY AND DEMOCRACY**Roman Liashuk**

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Summary

The article examines the peculiarities and problematic issues of interaction between civil society and democracy in Ukraine. Weaknesses and difficulties that arise in the functioning of the institutions of civil society and democracy in Ukraine are identified, among them: the action of democracy outside civil society and the transformation of power into an authoritarian one; undeveloped mechanisms for the implementation of democracy; loss of confidence in democratic leadership; the creation and operation of a para-state apparatus made up of representatives of various associations, the purpose of which is to profitably receive benefits from the state; transformation of civil society institutions into an inexhaustible source of demands on the government; lack of a network of representative and institutionally developed public formations that are able to participate in management at the local, regional and national levels; non-partner model of interaction between the state and institutions of civil society.

It was found that certain periods of the recent history of the Ukrainian state were characterized by manifestations of "facade democracy", in particular, the discrediting of democratic values among the population. Ways of solving certain problematic issues of the implementation of the interaction of democracy and civil society are proposed, among them: establishing, on the basis of a social contract, common interests and fundamental values that would be shared by the majority of civil society; fairness, clarity and transparency of the democratic decision-making procedure in the state; interaction of the democratic state with civil society on the basis of partnership.

Keywords: civil society, democracy, institutions of democracy, institutions of civil society, implementation of state functions.

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1. Introduction

According to Article 1 of the Basic Law, Ukraine is a democratic state governed by the rule of law (*Konstytutsiia Ukrainy, 1996: 1*). Citizens of Ukraine are granted a wide range of rights that allow them to participate in the management of state and public affairs through the mechanisms of democracy, send appeals, form political parties, public organizations and self-organization bodies of the population, exercise public control, etc.

However, in practice, the relationship between the mechanisms and institutions of democracy causes certain contradictions and problems. Nowadays, this situation is deepened by the Russian-Ukrainian war, political struggle, informational threats, martial law, as an emergency legal regime of state functioning.

Civil society and democracy as social and political-legal phenomena have been studied by many scientists. These works consider: democratic values and their influence on the development of civil society in European countries (A. Kudryachenko); readiness of civil society institutions for participatory democracy (Asanova A.); civil society and the state as subjects of the democratic process (Andriychuk T.); individual problems of the interdependence of the development of civil society and democracy are analyzed (O.V. Skrypnyuk); the structure, technologies and specifics of legitimation in the context of the interaction between the state and civil society were developed (E. Tsokur), the historical and modern development of civil society was traced (Stepanenko V. P.), the future of democracy was predicted (Bobbio N.), etc. At the same time, the problems of the relationship between civil society and democracy, which determined the relevance and novelty of the chosen topic of the scientific article, require additional scientific research.

The purpose of the article is to research and analyze the problems of the relationship between civil society and democracy, as well as to determine ways to improve their interaction.

The research was carried out using various scientific methods. Among them: the method of analysis of scientific research on the interaction of democracy and civil society; the method of synthesis during the generalization of scientific research and problems of the practice of legal relations of civil society and democracy; the method of induction to determine the causes and problems of the interaction between the democratic state and civil society; the hypothesis method was used in the process of formulating ways of improving the interaction of civil society and democracy.

2. Democracy and civil society

In developed democracies, civil society is an equal partner of the state in solving socio-economic, humanitarian and even many political issues. Non-governmental organizations minimize the paternalistic attitude of citizens, establish and reproduce a democratic political culture, contribute to the strengthening of social stability, and also involve citizens and their associations in the formation and implementation of state policy in all spheres. This political practice frees the state from implementing some overly burdensome social tasks while maintaining high social standards for the population. For example, in Germany, the involvement of non-governmental organizations makes it possible to save more than 30% of the cost of such services for the state. Civil society contributes to the improvement of the quality of political and legal decisions due to a fuller consideration of the needs of the population, alternatives and possible consequences of government decisions. The involvement of the public sector all the way from the discussion to the adoption of public legal decisions ensures their fuller implementation by the population (*Kudriachenko, 2015: 5*).

Only in a democratic state with a developed civil society can harmony be achieved in the relationship between the state and society, the authorities and citizens, since only a democratic state can provide the necessary conditions for the existence of civil society and only civil society can support a democratic state.

3. Problems and negative consequences of interaction between civil society and democracy

The interaction between civil society and democracy can also have negative sides. Attempts to achieve "pure" democracy outside civil society lead to the fact that instead of democracy, authoritarian power is actively being built. The same thing happens under the condition of promoting the development of public organizations, voluntary associations of citizens and non-observance of democratic principles. The presence of a certain set of civil society subjects is a necessary but insufficient condition for the functioning of civil society (*Skrypniuk, 2000: 42*).

Civil society in Ukraine currently does not have a significant network of representative and institutionally developed public formations capable of participating in governance at the local, regional, and national levels (*Asanova, 2013: 40*).

The practice and experience of civil society have proven that it does not always formulate a general public interest, and therefore a just interest, which can lead to a violation of legality (*Skrypniuk, 2000: 39*). It is worth avoiding focusing on the functions of civil society that are "negative" in relation to the state system. An excessive emphasis on them raises a natural question, which was successfully formulated by M. Foley and B. Edwards: "if civil society is a fairly reliable bridgehead that can be used to put pressure on despotic regimes, what prevents its use in order to sharpen democratic governance?" (*Andriichuk, 2013:119*).

Any, and even, a democratic political regime can act unfairly, and pressure from civil society can cause negative consequences, but this does not mean that democracy or the idea of civil society should be abandoned (*Skrypniuk, 2000: 39*). Therefore, there is an opinion about the potential struggle of civil society with a democratic state.

A democratic state mainly decides which of the public interests are more or less important and is usually guided exclusively by the principle of ensuring its own support by the largest possible part of civil society, that is, it turns the law into arbitrariness.

However, the complete absence of the state cannot improve the situation. Abolishing the state is impractical, because it will in no way mean an expansion of the space for civil society. On the other hand, the isolation of civil society or its nationalization will cause meaningful distortion of its activity. Under these conditions, it is necessary to create an organizational and legal mechanism for the interaction of civil society and a democratic legal state based on the permanent participation of the people, public associations, other collectives of citizens in the management of state and society affairs, their influence on the organization and formation of the state apparatus, control over its activity (*Skrypniuk, 2000: 39*).

V. Polokhalo also sees a problem in the model of interaction between the state and the institutions of the current civil society in Ukraine. Revealing it, he suggests applying such a concept as "non-civil society". In his opinion, this typical society corresponds to a specific type of political regime with characteristic features: alienation of the majority of society from the government with simultaneous multidimensional dependence on it; unilateral submission of citizens to the rules and norms that regulate their private and public life, and at the same time – arbitrary, uncontrolled exercise of their powers by the state authorities; lack of a system of real guarantees of officially declared human and citizen rights on the part of state-authority institutions, a complete lack of effective legal foundations for the protection of an individual against officials; shadow appropriation, redistribution of property with dominance at all levels of the power hierarchy of shadowy, informal, clannish relations; the growth of corrupt political power, the shadow economy, and the criminal world; the dominance in the political process of nomenclature-corporate clans and their concentration of the entire political, economic and

informational power (*Skrypniuk, 2000: 40*). In modern Ukraine, the state prefers to control a rather large sphere of social processes, and thus puts itself above civil society. However, for its approval, the state must be democratic and legal. The highest interests of civil society are protected by the rule of law and its institutions – legislation, courts, police, etc.

Civil society and democracy successfully complement each other only if there are healthy relationships in all spheres of life.

In the recent history of states, there were conditions when democracy had only an external expression, this is denoted by the term "facade democracy". In such states, strategic state slogans, basic legislation (Constitution) have a clearly defined democratic concept, and real mechanisms for its implementation are either absent or operate extremely ineffectively. One of the negative manifestations of "facade democracy" is the discrediting of democratic values among the population. Citizens who receive messages every day that their state is democratic, but in reality face the violation of their rights, while not being able to protect them, as a result, do not believe in the power of democratic leadership in the country. The loss of trust in democratic leadership among the population makes the state vulnerable to the reconstruction of authoritarian methods in the system of public administration (*Asanova, 2013: 34*). Such a situation is also characteristic of Ukraine.

Another danger for democracy, which poses a potential threat from civil society, is the formation of so-called "coalition interests" and associations that show a tendency to unite and create groups based on organized interests. As a result, there is a quasi-state apparatus consisting of representatives of trade associations, trade unions, and various associations, the purpose of which is to obtain broad benefits for themselves from the state (*Skrypniuk, 2000: 38*).

At the same time, the very participation of civil society in policy formation reveals its weaknesses, which can have a negative potential in relation to a democratic state. Thus, researchers point out that excessive "emancipation" of civil society institutions can turn them into an inexhaustible source of demands on the government that cannot be taken into account (*Bobbio, 2005: 117*). In addition, stronger institutions are able to block the demands of less powerful ones, which can cause the polarization of society, the struggle of social blocs for control over the state, the violation of the basic democratic principle – "one person – one vote" (*Andriichuk, 2013: 121*).

4. Ways of improving the interaction of civil society and democracy

Ways to improve the interaction between civil society and democracy should also be considered. The presence of freely formed support of the existing political regime by civil society determines the very possibility of its functioning as a democratic regime (*Skrypniuk, 2000: 44*).

The relationship between a democratic state and civil society is impossible without a certain autonomy of the latter, since even developed democracies can degenerate into an authoritarian state (*Skrypniuk, 2000: 44*).

Civil society and its institutions are capable of positively influencing both the general development of society (overcoming the "atomization" of society members, raising the level of its reflexivity, contributing to the growth of political consciousness of citizens, etc.), and the functioning of a democratic state (delivering the demands of society members to the state, contributing to the solution a number of problematic issues without state intervention). At the same time, civil society has weaknesses: the demands of its institutions can be unbalanced and burdensome for the state, and stronger institutions can block the voice of the weak (*Andriichuk, 2013: 123*).

Civil society becomes the basis of a democratic state only on the condition that its interests and the interests of the state are not opposed, but constitute a unity of opposites. A democratic state is designed to resolve conflicts between the national interest and the interests of various subjects of civil society, and vice versa – in the process of activity of political parties, public associations, mass media, associations, etc., the interests of civil society must be transformed into the interests of the state. The need for such a theoretical-conceptual and practical-legal connection between civil society and state power is determined by the fact that even a democratic state is not able to constantly and adequately reflect the full range of public interests. Only civil society in the form of independent public organizations, parties, and movements can timely identify pressing needs and initiate the necessary legal, political, and state changes.

Democracy, as the basis of public administration, gains strength only where there is a commonality of interests and fundamental values that are shared by the majority of civil society (*Skrypniuk, 2000: 44*).

In order to reduce the possible negative potential of civil society, self-regulation of the public sector should take place, establishing certain generally accepted standards and principles of their activity. The state and behavior of civil society institutions significantly depends on the state's attitude towards them, the level of its democracy (*Andriichuk, 2013: 121*).

The problem of the interaction of democracy with the institutions of the current civil society in Ukraine should be solved by the state choosing a model of interaction with civil society. In contrast to models of struggle for spheres of influence or guardianship, a model conducive to democracy should involve partnerships between the state and civil society with a clear division of tasks and functions. Particular attention needs to be paid to the "style" of public administration, for which openness and transparency, flexibility, readiness for negotiations and consultations with all "interested parties", sensitivity to the needs of various institutions of civil society and the desire to find opportunities to take them into account are important. In this context, the concept of a "proximate" state is relevant, which implies attention and sensitivity to citizens, interest in their opinion, empathy, lack of difference in levels and formalism (*Andriichuk, 2013: 122*).

Justice and a clear and transparent decision-making procedure are also an important feature of a "closer" state. Under such conditions, there is a high probability that even unpopular decisions, the inability to take into account certain demands of civil society will be perceived by its members positively rather than negatively. Thus, studies show that citizens are more inclined to agree with the decision of a state body if the conditions in which they were adopted are considered fair. Attention and justice on the part of the state body, even in the case of a negative decision, contributes to the positive self-assertion of a citizen who feels a certain "status" in the eyes of the authorities (*Rozanvalon, 2009: 208-209*).

"Proximity" to civil society, constant dialogue with its institutions contributes to the establishment of the legitimacy of the state, reduces opposition from society and provides an opportunity to implement the chosen strategy of state management. In addition, in such conditions, civil society institutions become certain "legitimizing mediators" that increase state legitimacy (*Tsokur, 2011: 93*). On the contrary, the state's unwillingness to dialogue, to search for compromise ways of taking into account the interests of civil society institutions, on the contrary, stimulates the development of their negative sides, increases the level of aggressive pressure on state policy, which undermines its legitimacy. Thus, the paradox is correct that a democratic civil society needs a democratic state, and a strong civil society needs a strong and responsive state (*Andriichuk, 2013: 122*).

Still, civil society and democracy have a significant potential for mutual influence. At the same time, it is more productive to focus on the positive influence of civil society on the development and strengthening of democracy than on its "negative" functions in the context of the struggle against the political regime (*Andriichuk, 2013: 123*).

Thus, for the civil society in Spain and the further democratization of public life, the following are the urgent tasks: further and constructive interaction between civil society and the youth; guarantee and full provision of human rights and freedoms; ensuring conflict-free, consensual cooperation among all branches of government; overcoming the economic crisis; further development of the banking economy; increase in political and political culture in all objects of cyclical relations.

5. Conclusions

Therefore, the interaction of civil society and democracy in Ukraine can have negative aspects and problems. Namely: the action of democracy outside civil society and the transformation of power into an authoritarian one; undeveloped mechanisms for the implementation of democracy; loss of confidence in democratic leadership; the creation and operation of a para-state apparatus made up of representatives of various associations, the purpose of which is to obtain benefits for themselves from the state; unjustified civil society pressure on the government and the transformation of civil society institutions into an inexhaustible source of demands on the government; insufficient network of representative and institutionally developed public formations capable of participating in management at the local, regional and national levels; a non-partner model of interaction between the state and the institutions of civil society in Ukraine (alienation of the majority of society from the government while simultaneously dependent on it; unilateral submission of citizens to norms, and at the same time – arbitrary, uncontrolled exercise of its powers by the state government; lack of a system of real guarantees of officially declared human rights and the citizen on the part of state-authority institutions, the lack of effective legal foundations for the protection of the individual against officials; the dominance at all levels of the power hierarchy of shadowy, informal, clan relations; the dominance in the political process of nomenclatural-corporate clans and their concentration of all political, economic and informational power).

Among the ways of solving problems, overcoming negative phenomena and improving their relationship between civil society and democracy, it is worth proposing: establishing, on the basis of a social contract, common interests and fundamental values that would be shared by the majority of civil society; actual support of the existing political regime by civil society; autonomy of civil society; transformation of the interests of civil society into the interests of the state; establishment of generally accepted democratic state standards and principles of civil society activity; the state's choice of partnership relations as a model of interaction with civil society; permanent dialogue between the state and institutions of civil society; public control over the activities of the state and the implementation of democratic procedures; fairness and clarity and transparency of the democratic decision-making procedure in the state; timely identification of urgent needs by civil society and initiation of necessary legal, political and state changes, etc.

Scientifically based legal and organizational mechanisms of interaction between institutions of civil society and democracy in Ukraine can become promising research in this direction.

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