Public participation as the basis of democracy and state sovereignty

YULIYA G. FEDOTOVA¹, SHAKHBOZ SHAVKATOVICH SATTOROV², EVGENIYA PETROVNA SIMAEVA³, IGOR GEORGIEVICH TYUTYUNNIK⁴, LYUDMILA VLADISLAVNA OBOLENSKAYA⁵

¹Russian Presidential Academy of National Economy and Public Administration (RANEPA), Moscow, Russia
²Peoples Friendship University of Russia (RUDN University), Moscow, Russia
³⁴⁵Financial University under the Government of the Russian Federation, Moscow, Russia

Abstract: The purpose of the article is to characterize public participation as the basis of democracy and sovereignty of state. The work uses sociological, formal legal, systemic methods, methods of analysis and synthesis, interpretation of legal norms. The article reveals democracy as a condition for the existence of the state, the legal nature of public participation and provides a terminological analysis of the concept of public participation. The institution of citizens' participation in ensuring the sovereignty of the state is a general legal element necessary for any state. The participation of citizens in ensuring the sovereignty of the state is a form of democracy, expressed in the state-significant activities of citizens aimed at ensuring the protection of the state. The grounds for participation are, firstly, patriotism, the spiritual and moral component of the constitutional duty, and secondly, the intention to protect against massive violations of rights and freedoms, aggression, and ensure their legitimate interests.

Keywords: Participation, civil society, democracy, sovereignty, constitutional duty, human rights.

INTRODUCTION

In accordance with Art. 25 of the International Covenant on Civil and Political Rights of 1966 (International Covenant on Civil and Political Rights, 1966), citizens, exercising their right to participate in the management of state affairs, can take part in the conduct of public affairs both directly and through freely chosen representatives, vote or be elected in genuine periodic elections on the basis of universal and equal suffrage by secret ballot, ensuring the free expression of the will of voters, to be admitted in their country on general conditions of equality to public service. The condition for the exercise of this right is an active life position of a person, his desire to participate in the affairs of society and the state.

The legal basis for the institution of citizens' participation in ensuring the sovereignty of the state is part 1 of Art. 32 of the Constitution of the Russian Federation, according to which citizens of the Russian Federation have the right to participate in the management of state affairs both directly and through their representatives, and Part 1 of Art. 59 of the Constitution of the Russian Federation, which determines that the defense of the Fatherland is the duty and obligation of a citizen of the Russian Federation.

It is worth noting the increased interest of legal science in general and particular problems of interaction between state bodies and civil society institutions (Darkov, 2015; Zaluzhny, Tokhtarbaev, 2015; Mayorov, 2015). The participation of citizens in ensuring the sovereignty of the state follows from the constitutional and legal foundations of the organization of the Russian state and is a form of democracy, expressed in state-significant activities. Nevertheless, for legal science, this legal institution remains poorly researched.

Democracy as a condition for the existence of the state

N.A. Bobrova believes that the essence of the constitutional system is democracy, and its main criterion is a strong parliament (Bobrova, 2002). N.S. Bondar points out that the constitutional system is a state and legal expression of civil society (Bondar, 2014). In accordance with the Constitution of the Russian Federation, Russia is a democratic state. The essence of the constitutional system, its main idea is democracy, which is inextricably linked with the sovereignty of the people, which constitutes the fundamental principle of the sovereignty of the state – the main characteristic of the independence of the state on its own territory and beyond.

The recognition of democracy and popular sovereignty as social and legal priorities of modern Russia requires an appeal to the main component of these concepts – the category of "sovereignty". It means the supreme power and has three forms of expression: state sovereignty, popular sovereignty, national sovereignty. State sovereignty means the supremacy and independence of state power in domestic and foreign policy activities.
With a general civil approach, national sovereignty is identified with state and popular sovereignty, and the concept of a nation covers all citizens of the state, regardless of their nationality, who in this case act as fellow citizens of one nation that created the state. The identification of national sovereignty with popular sovereignty is characteristic of developed countries with an established civil society (Koneva, Serous, 2013). Art. 3 of the Constitution of the Russian Federation says that "the bearer of sovereignty and the only source of power in the Russian Federation is its multinational people". This provision finds its legal protection in part 4 of this article, which stipulates that "no one can appropriate power in the Russian Federation". The Constitution of the Russian Federation itself acquires its legitimacy due to the fact that it was adopted by a multinational people in a referendum, which is "the highest direct expression of the power of the people". The people exercise their power "directly, as well as through state and local government bodies". If the essence of the constitutional system is democracy, then the basis of democracy, democracy is the recognition, observance and protection by the state of human and civil rights and freedoms. Such a duty of the state is established in Art. 2 of the Constitution of the Russian Federation, since it is an individual, his rights and freedoms are the highest value. It follows from this that the interests of the individual are more significant than the interests of the state. The functioning of all state bodies is carried out on the basis of the recognition of this constitutional value. Thus, the recognition by the state of the priority of the rights and freedoms of the individual, their highest value ensures the existence of popular sovereignty, which is the basis for the sovereignty of the state (Fedotova, 2015b).

**The legal nature of public participation**

Participation presupposes inclusiveness, involvement in the activities carried out by another subject. Since ensuring the protection of the country involves the activities of various state bodies, regulated by the norms of the relevant branches of law, this legal institution is complex. At the same time, legal regulation of relations of participation in any activity or performance of functions is necessary, otherwise it can lead to violations of the rights of citizens and failure to achieve the goals of either citizens or state bodies. Based on the natural-legal approach to the study of the institution of citizens’ participation in ensuring the sovereignty of the state, it can be concluded that emerging social relations necessitate their legislative registration. The attribution of these norms to various branches of law, the specific composition of the subjects of legal relations, the peculiarities of the methods used to regulate their subject matter allow us to talk about complex legal institutions. The legal nature of the investigated legal institution allows us to consider it as a homogeneous phenomenon, to classify the forms and types of public participation, and also to determine the peculiarities of the legal status of participants in legal relations.

One can notice an increase in the interest of legal science in the problems of interaction of state bodies with civil society institutions. It should be noted the approach we support about a broad understanding of the social significance of public control, which consists in recognizing its focus not only on the activities of state authorities, but also on socially significant processes and phenomena that concern society and the state. At the same time, in solving the problem of combining the efforts of the state, society and the individual, it is necessary to base legislative regulation and orient the law enforcement practice of citizens' participation in the management of state affairs, based on the need to comply with the constitutional principle of equality of all before the law and the court.

The need for citizens to participate in ensuring the sovereignty of the state may be associated with the emergence of threats to various types of security or dangers of a different nature, various legal relations, and may also be due to the occurrence of violations of various groups of human and civil rights and freedoms, may arise in connection with the problems of legal regulation and practice of implementing various legal relations. In addition, the institution of citizens' participation in ensuring the sovereignty of the state is a general legal element necessary for any state. Moreover, in modern geopolitical conditions, the institution of citizens' participation in ensuring the sovereignty of the state is becoming increasingly important. For example, the 2015 US National Security Strategy states that “America is also uniquely positioned to support peaceful democratic change — and that is what is generally expected of it. We will continue to mobilize international support in the fight to strengthen and expand international human rights norms. We will support women, youth, civil society, journalists and entrepreneurs who are driving change. We will continue to demand that states fulfill their human rights obligations; we will resolutely oppose repression wherever it occurs; we will prevent and, if necessary, suppress mass atrocities” (National Security Strategy of the United States of America, 2015). This legal act, which has a great ideological content, has an extraterritorial nature, like many US legislative acts (Information operations: Joint Publication 3-13, n.d.; Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act, 1992; USA PATRIOT Act, 2001). He directly declares the call of citizens of any foreign state to participate in ensuring the state interests of the United States, appealing to the issues of protecting the rights and freedoms of socially unprotected categories of citizens of any state.

In the 2015 US National Security Strategy, the United States views the responsibility to protect its people as not ending at its borders, and also argues about strengthening the country's defense and internal security, achieving
its geopolitical goals not only by armed methods, but by increasing the activity of civil society, development of freedom and association of groups on the Internet, including among the population of other countries.

The goal of protecting Poland and other countries bordering Russia from its aggression was also outlined in the 2010 US Eagle Guardian plan, which announced the deployment of a NATO military base 80 km from the Polish-Russian border (Re: [Eurasia], 2013; Re: [OS], 2013). Subsequently, this plan was extended to Latvia, Lithuania and Estonia (Pozdnyakov, 2015). The Open Society Foundation's Action Plan for Russia in 2014-2017. (“Project Russia”, 2014-2017) sets the goal of using young people and “surviving protest potential,” and the Russian Internet is considered an essential tool for achieving this goal. From this it follows that it is for Russia that the issue of combining the efforts of the state, society and the individual to defend the Russian Federation – the Fatherland, is especially important for Russia, which is necessary to defend its own national interests, the inadmissibility of their substitution, and the preservation of sovereignty.

**Terminological analysis of the concept of public participation**

In the literature, the participation of citizens in the management of state affairs is understood as the genuine rights and real opportunities of the population in conditions of complete equality and with the absolute interest of state bodies in this process. To do this, it is necessary to use personal or collective potential, realizing it in various independent or recommended forms by state bodies, in all actions to implement effective management, as well as in the conduct of various maximum permissible public affairs (Shirobokov, 2011). The possibility of participation of Russian citizens in the management of state affairs is a set of forms of influence of citizens on the implementation of national affairs that are in the legal field (Lipchanskaya, 2012). The right of citizens to participate in the management of state affairs is understood as the ability of citizens to be active in the adoption and implementation of government decisions directly or through freely chosen representatives, as enshrined in the Constitution of the Russian Federation and specified in federal constitutional and federal laws, as well as other regulations. The state or the implementation of important state functions in various spheres of state activity by participating in electoral, legislative, judicial and administrative processes, appeals to state authorities and local self-government bodies, participation in public associations, peaceful meetings, rallies, demonstrations, processions and pickets (Zaitsev, 2014).

According to A.Yu. Sungurov, public participation – participation of non-profit organizations and individual residents in the discussion and adoption of decisions by the authorities, as well as control over their implementation; it is an active collection of opinions of all interested citizens. At the same time, public participation, unlike civil participation, is not political in nature and does not include among its forms participation in electoral relations, protest activity, etc (Sungurov, 1997).

The participation of citizens in ensuring the sovereignty of the state is a kind of participation of citizens in the management of the affairs of the state – when they are exercising not only their duty and obligation to protect the Fatherland, but also the corresponding right arising from the principle of democracy. Participation implies involvement in the implementation of state tasks, up to the implementation of part of state powers (Fedotova, 2015a).

**CONCLUSION**

The participation of citizens in ensuring the sovereignty of the state is a form of democracy, expressed in the state-significant activities of citizens aimed at ensuring the protection of the state. The participation of citizens in ensuring the sovereignty of the state is a kind of participation of citizens in the management of state affairs. This legal institution is complex due to the fact that the subject of legal regulation is the forms of citizens' participation in relevant activities in the implementation of the norms of various branches of law. The participation of citizens in ensuring the sovereignty of the state is a general legal institution necessary for any state. Historical experience shows that the grounds for citizens’ participation in ensuring the sovereignty of the state are, firstly, patriotism, spiritual and moral component of the constitutional duty, and secondly, the intention to protect against massive violations of rights and freedoms, aggression, and ensure their legitimate interests.

**REFERENCES**