THE CONCEPT AND TYPES OF PUBLIC CONTROL AND THE RELATIONSHIP BETWEEN SOCIETY AND THE STATE

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Abstract: The relevance of the research is due to the significance of the problem of the formation and development of civil society, its interaction and influence on the state. Due to objective reasons, the state is often characterized by abuse of power and the realization of its interests to the detriment of public ones. Such a negative trend leads to a change in the essence and social purpose of the state, therefore, to overcome it requires a restriction of power, that is, control. It can be internal; in this case it is legitimate to talk about the self-control of the state through the functioning of various bodies. The study of the activities of state structures, surveys of the population, employees of government and management bodies show that this type of control is not effective enough. Therefore, external control is necessary, providing for the control of society over the state.

Key words: public organizations, development of civil society, social purpose, external control, effective, human civilization, socio-political events, thirdly, freedom of speech, beliefs, judgments, freedom of criticism; freedom of communication with international and foreign public organizations.

Society, considered in the context of ideas about the essence of the state, assumes two semantic meanings. In a broad sense, it is a set of collectives and individuals, including a political organization as an integral part; within the framework of a narrow approach, society is identified with the people, the object of managerial influence from the state power apparatus.

The state appears as an adaptive function of society, a means of including everyone in a social whole or one of the mechanisms of social selection. Its emergence and transition from one stage of development to another is the result of the innovative activity of individual structural units of society. The state as a mechanism of reproduction of society is the adoption of political decisions of universal importance. The stages of the evolution of the state are distinguished in accordance with the stages of the evolution of mankind.

The idea that society is the progenitor of the state is justified, since the latter is the result of social development, the formation of human civilization. There can be a state only where there is a society. It is perceived ambiguously and, depending on the circumstances, appears in different images. The state is both an idea and a fact, an abstraction and an organization, it has no concrete reality, but its presence is felt constantly. The state is an absolute, acting subject, which is a union of generations forming a single spiritual personality.

Society is primary in relation to the state. The state in the modern sense cannot be identified with the apparatus of state power and the population. It is advisable to consider it as a form of social organization, a type of society. From the point of view of a broad approach, the state is identical to a politically organized society; a narrow approach implies a distinction between the state and society.

The interaction of these structural elements is based on interests, the implementation of which is associated with the functioning of the relevant social groups, as well as the nature of the resources through which the group implements the interest. A politically organized society (state) in its activities is guided by public interests, the implementation of which is carried out at the expense of the state budget, in the formation of which theoretically all able-bodied residents of the state take part. The Institute is guided in its activities by corporate interests that do not coincide with public interests, but do not contradict them. At the same time, the implementation of these interests is ensured at the expense of the internal resources of the members of the society itself.

The theoretical contradictions between society and the state are objective in nature and are rooted in the essential differences between public and private interests. The modern state is not able to effectively implement its functions without the active participation of the public, from which constant monitoring must be carried out.

Strategic objectives are the realization of civil rights, the satisfaction of the spiritual and cultural needs of the entire multinational people, the development of science, the enrichment of spiritual and moral potential and cultural heritage, local self—government, political parties, national cultural associations and other public formations.

Combining the efforts of all civil society institutions, ensuring rights and freedoms, fostering a legal culture, expanding dialogue with all social groups and categories of the population is a real way to build a civilized state. Therefore, the government and society are mutually interested both in the further development of the state and in strengthening the institutions of civil society.

Civil society develops quite late, when relations between society, the state and individual citizens, mediated by law and politics, were established. Civil society is

formed as all members of society are recognized as equally free, possessing natural and inalienable rights.

The concept of civil society is multidimensional and approaches to its interpretation are not the same. Currently, there are 2 approaches. The first is based on the opposition of civil society and the state, therefore, the opposition of political and non-political relations. The second approach excludes political institutions and relations from the scope of civil society and considers it as a set of all types of social relations, including political ones, within which the diverse needs and interests of individuals and their groups are satisfied, adequate to the achieved level of social development.

It is usually noted that a civil society is a society capable of resisting the state, controlling it and forcing it to serve society. This is a society that can form a state governed by the rule of law.

In the literature, different criteria of civil society are called. It is characterized by:

• economic and social freedom of members of society;

• recognition and real security of natural, inalienable human rights, the possibility of guaranteed protection of these rights;

• self-management, self-organization;

• openness, which implies, firstly, free access of people to all sources of information, except for state and commercial secrets; secondly, the publicity of ongoing socio-political events; thirdly, freedom of speech, beliefs, judgments, freedom of criticism; freedom of communication with international and foreign public organizations;

• the rule of law, the rule of law, the inviolability of individual freedom, as well as the effectiveness of control and supervision over the execution of laws. In a word, civil society is a legal society.

• equality of all before the law and the court, stability of the constitutional system, democratic methods of governance.

The listed criteria for determining civil society show the level of development of society, as well as the personal and social qualities of its members.

Among the stable signs of civil society are its ability to effectively control the state, act as a source of power and its reasonable legal organization.

The concept of the policy of the state in the sphere of interaction of public authorities with civil society institutions is an integral, socially grounded system of views on the formation of social partnership relations between public authorities and civil society institutions in a democratic state governed by the rule of law.

The task of the social partnership of the state authorities of the state and civil society institutions is to increase the effectiveness of public policy by creating tools

for public control over the activities of public administration, increasing the expert potential and transparency of decisions, eliminating social tension during their implementation.

Social partnership is implemented through:

• creation of mechanisms for sustainable interaction of state authorities and civil society institutions in the legislative process;

• involvement of civil society institutions in the implementation of targeted programs in the field of social policy of the state, as well as in the implementation of priority national projects.

The main objectives of involving civil society institutions in the implementation of priority national projects are:

• involving civil society institutions in monitoring the implementation of priority national projects;

• creation of mechanisms of public control over the expenditure of funds allocated by the state for the implementation of priority national projects;

• support of mass media and increase the openness of information on the implementation of priority national projects, including financial, technical and other documentation.

The main objectives of the participation of civil society institutions in the federal legislative process are:

• creation of mechanisms for nationwide public discussions of socially significant draft laws of the state;

• creation of mechanisms for mandatory public consultations in the preparation of draft laws of the state;

• legislative consolidation of independent expert research in the legislative process and monitoring of public opinion in the development of concepts of draft laws;

• involvement of civil society institutions in the codification of state legislation and the definition of the main priorities of legislative activity.

Control initially acts as a legal form of the implementation of the tasks of the state, is the most important function of public administration and a form of legal activity, regardless of historical time and political regime.

The essence of control lies in the fact that special entities, using organizational and legal methods and means within their competence:

• find out the compliance of the activities of the controlled objects with the regulatory requirements, the requirements of the law and the tasks assigned to them;

• evaluate the results of the impact of management entities on managed objects, the degree of deviation from the set goals, methods and results of their achievement;

• take measures to prevent and bring to justice those responsible.

The objectives of the control are: the protection of the constitutional order, the protection of human and civil rights and freedoms, improving the efficiency of public administration, maintaining the stability of the state structure, ensuring compliance of issued normative legal acts with the Constitution, the introduction of the powers of officials in the legal field, maintaining the rule of law and order in the state.

At the same time, the main purpose of control will be to prevent actions beyond the specified parameters, to prevent possible deviations, and in case of their commission, to eliminate negative consequences and take appropriate measures of influence.

Along with the social purpose, control has its own functions as the basic areas of activity of authorized entities in order to achieve positive end results, including the collection and analysis of information about the controlled entity, the identification of deviations from the specified parameters, their elimination and prevention (correction functions, law enforcement, social prevention, education).

Since control activities are always carried out in the appropriate procedural mode, we can talk about the principles of control: legality, independence, objectivity, the inevitability of applying measures of influence to violators, prevention, publicity.

The control of society over the state is the activity of special entities (state authorities, civil society institutions, individual citizens) carried out in a special procedural order to verify and assess the quality of public administration, observance of human rights and freedoms for compliance with the requirements.

It is necessary to distinguish between public control over the activities of the state in a broad and narrow sense. In a broad sense, it is a set of forms, principles, methods and means of civil society's influence on the state (government) to ensure that the latter fulfills its obligations to society; in a narrower semantic meaning, it is the activity of relevant civil society institutions to ensure the implementation of the normatively fixed parameters of interaction between society and the state by establishing (identifying) the actual implementation of legal norms by state bodies and curbing detected deviations.

Public control over the activities of the state in the functional aspect acts as a means of ensuring that the state fulfills its obligations to society.

The legal nature of public control over the activities of the state is conditioned by the existence of corresponding rights and obligations between civil society as the founder of the state and the state as a governing entity that ensures civil peace, harmony, stability, prosperity and development of society.

In the legal literature, various types of control of society over the state are proposed. Based on the nature of the relationship between the subjects of control, it is divided into external and internal. According to the volume of the studied activity, general and special control are distinguished. Considering the subject of verification,

it is legitimate to divide control into abstract and concrete. According to the degree of mandatory conduct, it is advisable to consider mandatory and optional control.

Depending on the direction of influence, public control is divided into control in the political, economic, social, cultural-ideological, environmental, demographic spheres of public life.

Depending on the time of action, control can be permanent and temporary; primary and subsequent; current and operational. According to the method and result of legal influence, control is divided into law-forming, law-changing and law-terminating. Depending on the completeness of the implementation, the control is divided into full and partial.

According to the level of efficiency, control can be ineffective, ineffective, medium-effective and highly effective. In accordance with the legal consequences, advisory and preventive control are distinguished.

Depending on the subject implementing public control, it is necessary to distinguish:

• indirect control through state authorities, including presidential, parliamentary control, control of executive authorities, judicial control, prosecutor's supervision;

• direct control through civil society institutions implemented by socially active citizens, political parties, public associations, trade union organizations, human rights movements, public councils (chambers), mass media.

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