
The Basic Principles of the European State and Dynamics of the Political and Legal Development within the Russian Federation

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Abstract:

The aim of the article is to identify the basic principles of European State and its approval within modern Russia, as well as the specifics of political and legal development of the latter. The methodological basis of research work used the dialectical, phenomenological analysis and synergetic methods to reveal the essence of the basic principles of a European state and the specificity of their adoption in contemporary Russia.

The study authors concluded that the implementation of the above principles in practice of political and legal development in Russia is associated with the activity of its civil society, in dialectical interaction with the state.

Key Words: *principles, civil society, private property, local government office.*

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Introduction

The process of modern development of Russia as a democratic, legal and social state is associated with a number of yet unsolved problems. This is a very long and rather complicated path that depends not only on the efficient operation of the various government structures, but also directly on the degree of activity of civil society. The success of the promotion of this route is determined through a process of implementation of main principles of European state. Given their particular importance, the government's efforts are aimed at their support and encouragement of approval, both in the functioning of the state apparatus, as well as in civil society activity.

The study of these processes is highly relevant in the present, as it promotes the implementation and approval of the legal and social state in Russia. In this article the hypothesis is that one of the conditions for approval of the basic principles of the European state system in Russia is the presence of a sufficiently developed civil society. Development of the country, the deployment and activation of civil society take place in parallel, mutually enriching each other. The authors of this paper aim to disclose in a sufficiently detailed way, the contents of this hypothesis, as well as determine the current state of and prospects for the implementation of the basic principles of the European state system in modern Russia (Dmitrishina and Uskov, 2015; Emelkina, 2016; Fomina, 2016).

Literature review

The basic principles of European state were considered in the works of Russian scientists (Kerimov, 2014, Tikhomirov, 2015, Chirkin, 1997; Rusanov *et al.*, 2015). However, they were not considered systemically. The degree of their implementation directly affects the extent of success of building a democratic, legal and social state in the Russian Federation. The primary responsibility to create favorable conditions for the realization of the mentioned principles lies within state structures: executive, judiciary and legislative (Vlasov, 2010, Vlasova, 2008).

However, in addition to public authorities a special role in the development of Russian state is devoted to civil society, as reflected in numerous studies, done by both foreign and domestic authors (Ivanova and Bikeeva, 2016; Thalassinos, 2008; Thalassinos and Pociovalisteanu, 2009; Thalassinos *et al.*, 2010). And the power of one of the branches of government depends on the degree of development of civil society (Vlasov, Vlasova and Denisenko, 2015). Study of processes approving the general principles of the European state system in Russia is new to Russia's political science, which is a field for research in this area, that article focuses on.

Methods of conducting research

The dialectical, phenomenological and synergetic methods formed the methodological basis of research. The dialectical method provides objective research, historicism, keeping the unity of qualitative and quantitative determination, determinism and the process of negation of negation. In turn, the phenomenological method is used to investigate the phenomena of both private and shared entities, types of phenomena observation and interpretation of the phenomena of values. Finally, the synergistic method is based on the openness of the social system (its ability to exchange with the environment), and the non-linearity of the uneven development of social life.

Results

1. The principal foundations of European state

The European state system originated in ancient Greece and ancient Italy. It is based on principles of private property relations and production that involved the use of slave labor. Ancient society of private owners created a republican form of government with its principles of representation, expressed in the creation of elected representative bodies - the Council of four hundred and five hundred in Athens, as well as the Senate in Rome.

In the first millennium A.D. the ancient state gave place to medieval one. In the framework of freedom of use of private property and the principle of representation, a new development in the form of feudal property and estate-representative bodies (the British Parliament, the French general states, the Spanish Cortes), supplemented by the principle of legal registration. At that time everything had to have its own legal status. Further development of the state principles associated with the formation of the nation-states with a monarchical form of government. This also included the emergence and development of the capitalist mode of production and the institutional transformation of private property and labor, the crisis of the Church and the formation of a new bourgeois ideology.

The era of the great democratic revolutions has become a special page in the history of European state, the outcome of which was the civil society. In place of the absolutist state came the bourgeois state. Under its framework most of the above-mentioned principles were most fully developed and have been supplemented by the idea of local self-government. At the same time modern forms of government were finalized, completing the formation of the legislative bodies. Within the framework of parliamentary representation legal opposition was reaffirmed. Special mention should be given to the principle of legal registration. In the context of the American and French revolutions of the eighteenth century the process of formation and unity of two great legal families was completed (the Roman-Germanic and Anglo-Saxon). The world's first constitution was adopted in the United States and in France - the first civil code. The dominance of Anglo-Saxon and Romano-Germanic models in judicial systems was established.

XX century puts into question the very existence of the principles of European state outlined above. The universal nature of the question becomes - democracy or totalitarianism. Ultimately, the state totalitarian either perishes in the self-initiated fire of military conflict or collapses under the pressure of insoluble economic contradictions, or finally is forced to retreat by taking a course on the actual return to the bourgeois state.

However, here is a second question. How effective is democracy? And what explains the persistence of authoritarianism? The idea is that the progressive development of the state is not only possible under democratic development (as in the US, Canada, Australia and New Zealand), but also in the framework of an authoritarian dictatorship, as demonstrated by the experience of Chiang Kai-Shek in Taiwan, Lee Kuan Yew in Singapore, Park Chung Ki in South Korea. Of course, this is not Europe. However, if we come to the great revolutions of England and France, we see that they also resulted in the establishment of the authoritarian dictatorship of Oliver Cromwell and Napoleon Bonaparte. And the success of economic and political modernization of Germany was secured by authoritarianism of Bismarck. The activities of mentioned above dictators, played a progressive role, which falls under the concept of Bonapartism. This phenomenon has yet to find its philosopher and researcher.

2. The relationship of civil society and democratic state development in Russia

Turning now to Russia, it should be said that its government was complicated by the development of the revolutionary events of 1917, which resulted in the establishment of the totalitarian, Communist party-state orientation. As part of the establishment of such type of government all four principles of the European state were rejected. And so the events of 1991-1993 should be evaluated as the return to the revolution that began almost a century ago. The starting point in this process was the adoption of the Constitution of the Russian Federation in 1993.

However, the collapse of the socialist legal system and return to the Romano-Germanic legal family, first of all meant the restoration of its private-legal unit. And just as the French Revolution has been summed up in the Civil Code of Napoleon - the result of revolutionary transformations of 1991 - 1993 years, was not only the adoption of a new Constitution of the Russian Federation, but also the development and enactment of the Civil Code, which in fact restored the private rights in Russia.

However, the recovery of private rights cannot solve all the problems the country is facing. Civil society is developing organically and recovers fully within a quarter of a century, it is just not able to. This clearly confirms the situation that has developed in our country with the local government. The Constitution of the Russian Federation opened a space for the free development of local initiative, securing the position of not joining the system of state government. The involvement of ordinary

citizens in the affairs of their local communities was meant to raise the level of legal awareness, to teach self-reliance, develop local initiative.

However, according to T.G.Arhipova "actively participating in the presidential election, the State Duma deputies, heads of subjects of the federation, the population is quite passive in relation to local authorities". To this we must add the migration factor. There was a large-scale atomization of individuals in modern Russia. In connection with all this, the degree of public confidence and trust in the local authorities is extremely low. And last but not least due to the financial dependence of the majority of municipalities.

The idea of self-government is closely related, in its practical and theoretical sense, to the ways of organizing power and control and processes of centralization and decentralization. One of the first researchers in this field was a French political thinker of the nineteenth century - Alexis de Tocqueville. He identified two types of centralization: political and administrative. In the first case power is concentrated within one center in order to ensure protection of common interests of the entire population. The second type - administrative - means the concentration of power is meant to protect the interests of certain sectors of society. In Russia, the combination of both types of centralization occurs, with a notable favor of the second, which in turn inhibits the development of civil society institutions, including local government. At the same time, in the nineteenth century, another French researcher A. Batbi noted that the "political and administrative centralization center sucks out all the intellectual juices from the periphery, leaving the country weary and the capital prospering ...".

All of the above applies to France and Paris, but it is also very important for us. As noted by a number of authors, the level of centralization within the Russian Federation is quite high. "Since 2000, Putin and his team consistently implement the Constitution, improved and reformed the federal institutions in a centralizing key. As a result, they have made a full-fledged centralized Russian Federation". Of course, for Russia, then in the early years of the century, in an environment where the centrifugal tendencies were gaining momentum, it was very important. But we should not forget about other factors. As noted by a former French President V .Z .D. Estaing, centralization is bound with "hypertrophy of the capital and isolations of some provinces, excessive regulation and lack of proper accountability on the ground. The proposals of solutions from the top, to the issues that could be addressed from the bottom, is not consistent with the principles of a liberal government".

This view allows us to emphasize once again the importance of the principles of local self-government. Without its realization it is impossible to mitigate the level of centralization, which has already been established in Russia.

3. Civil society, representation, state

First of all, it is necessary to emphasize the primacy of society in relation to the state, as well as the primacy of civil society in relation to the rule of law. Hence the special importance of the principle is the representation in a modern state. To this we must also add the fact that society in its development could overtake the state, which is one of the causes of radical revolutionary changes. But we should remember that the society and the state act in relation to each other as active balancing and mutually restraining entities. It should also be understood that under current conditions there is a constant increase in the volume of space and the government's influence on the public life. This is due to the fact that the state is "forced to take on more" responsibility "for the implementation of a number of social programs with the increasing complexity of foreign, economic and other policies associated with regionalization and globalization; with changing notions of private property and the expansion of the so-called corporate capitalism, increased "presence" of the state is implied in the economic sphere, as well as other spheres...".

Under these conditions, the implementation of the principle of representation is of particular importance for all governments and for Russia in particular. The initial state of the Russian society after August 1991, is very briefly – post-totalitarian with reconstructing civil society, has caused the growth of general social entropy and the atomization of society, which illustrates the effect of "snatch jinn" - i.e. uncontrollability and unpredictability of what is happening.

Of course, there are powerful stabilizing factors within the Russian society. Firstly, traditionalism: the people's patience, the habit of survival, the ability to resist hyperpolitisation, or more simply, fatigue effects of policy. Secondly, it is the slow development of currently amorphous civil society. It "is still at the stage of consolidation and no more than a quarter of Russia's population is active (and that is unlikely), so the party life is only evident in Moscow and St. Petersburg".

It should be remembered that the current industrially developed democracies, social in nature, have been through pre-liberal-democratic stage of development.

In the context of the post-totalitarian development of such a sequence is impossible to observe. On one hand, we must significantly limit state interventionism. On the other hand, the state should pursue economic, social, environmental and other protection of the population. Moreover in conditions, where the majority of members of a society are corrupted by prolonged state paternalism, deprived of property and with absence of skills in economic understanding, ignorance of social functions by the state can result in serious political turmoil.

As a result, there is a constant confrontation between the principles of the liberal-democratic and social state. In the post-totalitarian period a certain bias towards the executive is inevitable, as structures are strong and mobile, and it is more successful in law-making. Parliament simply cannot keep up the course of events. And it is

quite possible, if two conditions are met: the rule of law (acts of executive power under the law), and the presence of a court (including constitutional) control over the actions of the executive and legislative branches.

The second condition is particularly important. The confrontation of the legislative and executive powers is not so dangerous, when there is a full third power - the judiciary. But the judicial power is derived from the strength of civil society. The literature states that "the degree of self-sufficiency, independence and authority of the judiciary is dependent on the historical characteristics, the level of legal awareness and other factors."

Under these conditions, the principle representation can face certain difficulties. And this is not surprising. Formation of the Parliament (and in Russia it is not only the State Duma, but also parliaments Federation) and the representative bodies, is directly related to the party system.

It seems that a multiparty system has become a reality. The country has 77 parties. However, only slightly more than two dozen of them participate in the elections to the State Duma. Most of the parties are small groups of like-minded political activists and in their true sense it is difficult to refer to them as parties. Their role in the political life is pretty much insignificant. In these conditions, it doesn't make sense to talk about the current multi-party system, involving the interconnection and interdependence of the parties and their alternation in power.

In fact, it is impossible to view the party system as typology. This is not surprising, given that the party system in its development passes through three stages: the party system, representing the "aristocratic" groups (such as Tories and Whigs in England), the party system - political clubs (in France during the Great French revolution - the Jacobins, Cordeliers Girondins) and modern systems of human and mass parties. Our party system is still in its first stage of development. The implication of this is the lack of normal mechanisms of political accumulation and generalization of social needs and interests, with their transformation into political programs and ideological manifestos.

But here it is necessary to draw attention to one point, which takes place in a post-totalitarian development. As V.V. Lapaeva notes "behind controversial, often diametrically opposed judgments of public opinion it is very difficult to discern the moment public opinion in which the will of the whole society is represented."

However, Parliament, as a representative body, is not only the expression of the will of the people. It means the adoption of laws and expression its own will, which has every right to be recognized as national, meeting the interests of the majority of citizens of the state. It should be added that there may be situations when unified will of the people is still in its early stages and the supreme representative body can either anticipate the general will, or wrongly interpret it. In this respect of rights, as

A. D. Kerimov notes, "to detect, understand correctly, reliably identify and adequately reflect what the nation is willing - is far from easy, and sometimes impossible."

In addition, the parliament - is not only a legislator, but a wide public forum, which aims to unify and guide the activity of all civil society participants through a variety of discussions and deliberations to ensure the identification of the people's will, and build legislative activities basing on this.

Discussion

Thus, as a result of the study the stated hypothesis has been further developed and confirmed. It follows from the above to make a number of important conclusions:

1. The basic principles of the European state system evolved over a long time. The freedom to use private property rights, the legal validity of socially relevant institutions and action, representation and local government.
2. The right to private property is the starting point of the beginning of the democratic transition and one of the main foundations of civil society. Without a developed civil society there cannot be an effective local self-government that is fully represented.
3. In turn, only the fully-fledged office is able to provide an adequate expression of the general will of the people and to develop a rational legal basis for social, political and economic processes.

Conclusion

Based on this study we can conclude that the general principles of European state are starting platform in the development stage of nation-states at the present stage. However, the effect is dependent on two factors. Firstly, it is the civil society. It is necessary to proceed from its primacy in relation to the state. As a result of the development of private property, it primarily fights for the freedom to use private property. It is through civil society that representation and local self-government are developing.

Secondly, although the State is secondary to the civil society, it plays a balancing and moderating role. In the present conditions the state is forced to take on more responsibility, focusing on concrete, more significant arrays of social segments. The very theme of the study put forward certain restrictions. Attention was focused on the writers of modern Russia. Therefore, further research on this issue should focus on the review of the basic principles of the European state system in different regions of the West and the East. Efforts should focus on further analysis of results.

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