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## SOCIAL AND LEGAL STATE SYSTEM AS A DOMINANT FOR SOCIAL DEVELOPMENT

*Democratic processes in Ukraine started to be that needed basic upon which it became possible to build the model of a social and legal state, to conceptually review the soviet doctrine and to create a modern concept of a social and legal state which would be adequate to the real formation and development processes of the civic society.*

Conference participant

Social recognition of the need to apply effective steps intended for social problems solving, together with guaranteeing the basic rights and freedoms, entails the need to amplify the basis of the state system in Ukraine with the concept of social government.

This concept was included in the Constitution of Ukraine. The Article 1. of the Constitution announced that Ukraine is not only a sovereign and independent, democratic, legal, but social state. Furthermore, according to the Article 3. of the Fundamental Law, a person, his life and health, honor and dignity, immunity and safety are recognized in Ukraine as the highest social value [1]. The content of the social state concept lays in the fact that the government should express, represent and protect not only all interests of the whole society, the whole nation, which are public, common interests, but interests of every person and citizen.

Social state can be discerned as a theory, practice and process, which relies on the constitutional regulation. But as far as The Constitution, while recognizing Ukraine as a social government, fixed it not as a real but as a desirable status of the government, so we mostly analyze its theoretical construction [2, p. 61-62].

In our modern scientific literature can be find different methodological concepts to explain the term of "social state". Social state is discerned as a "principle of the constitutional system", "constitutional characteristic of the government" [3, p. 14-15, 3]; "modern type of the democratic state system" [4, p. 552-553; 3, p. 205, 206]; "principle of the political system" [5, p. 13; 6, p. 160-161]; "the type of the political life structure" [7, p. 179]; "the result for legal state dialectical development" [8, p. 266]; "the government which fulfill social function" [9, p. 374]; "characteristic of the legal state" [10, p. 17, 32] etc. The analysis of the above mentioned method-

ological approaches gives the reason to affirm that different conceptions of "social government", which are represented in the literature, are based on the single conceptual regulations.

The Constitution created the legal preconditions for development of Ukraine as a social state. The term of "social state" is a general category of law, which content needs further determination, including the definition of it as a principle of the state system of Ukraine. Trying to construe this concept, scientists apply to the norms of the existing legislation, judicial opinion and analysis of the traditions which exists in the society. [11, p. 13]

The use of the term "social state" together with "legal" emphasizes the formal and material unity of elements in the governmental organization and activity. This point is basic for recognizing the special character in relationship between legal and social government. The theme actualization is connected to understanding of the social state system as a qualitative characteristic, material content of the legal state. In this context it is needed to start with the fact that social state is not an antithesis of the legal state, but a certain result of its dialectical development.

In general, there is a need to note that the analysis of scientific researches which are aimed at social state idea and its realization allows to make a conclusion that the problem of a social state building is not enough worked out, particularly in the determination of its legal nature and ways of implementation in Ukraine. Absolutely new attitude towards a person, his interests, acknowledging a person to be a priority social value should become a basis for that concept upon which the social government will be built in Ukraine. In accordance with this, the implementation of social guarantees (both common and special), rights of a person, which surely should

be based upon the definite level of an economical development, becomes an important factor for establishment of the social state in Ukraine.

The urgent necessity for the further building of a social state in Ukraine is its definition and sound analysis of its functioning and the content of its activity [12, p. 77]. Nowadays, the major attention of the government is concentrated only upon the separate social issues, but the social policy misses complexity and system. Prosecuted analysis testifies that the practice of modern social state building is far from the constitutional ideal. The consequences lays in the fact that social and legal state system as a direction in development of Ukraine during the transition period still did not become dominant in the social development.

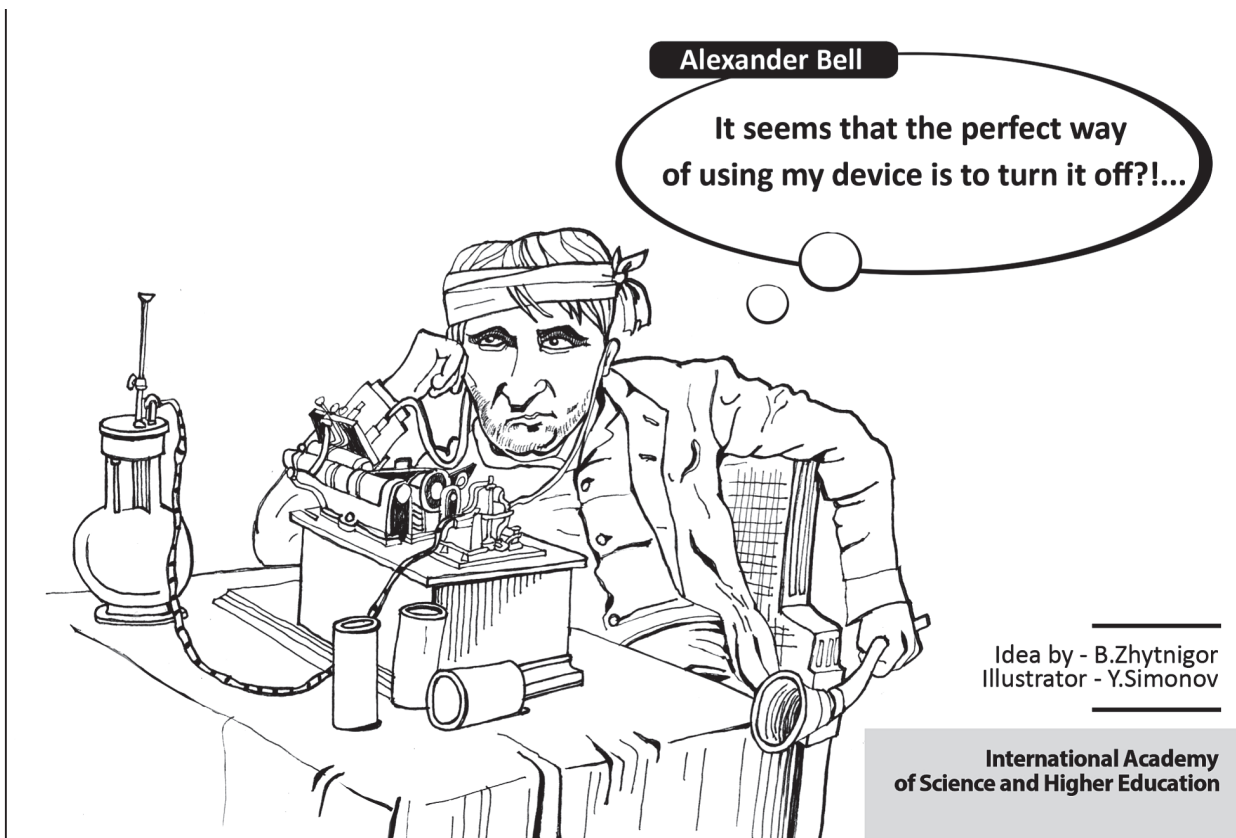
Formation of the social and legal state in Ukraine needs further scientific researches connected to the solving of such primary tasks as implementation of analysis and examination of social legislation in order to systematize it and find out its compliance with international standards to ensure an effective implementation of human rights; building of the concrete model of a social and legal state system considering the objective life activity conditions, historical, political, cultural and other traditions in order to elaborate the methodology of researches in this sphere and to form the new concept of interaction between the government and a person, which is based upon their mutual responsibility.

The principle of a social state as a constitutional principle of a state system can be only relatively independent, its content can not be recognized beyond the system of the other constitutional bases. As a result, modern theory and practice of the constitutional system needs grounded generalization and analysis of a social state principle as an element of a single concept for democratic, social and legal state.

The content of a social and legal state principle as a principle of state system consists of the following: 1) it is an idea and process, which is based upon constitutional regulation, historical, political, cultural and other traditions, and nation mentality; social and legal state develops in the forms of law, on the basis and in accordance with the laws of Ukraine, legal basis for which is the Constitution; 2) social state is a qualitative characteristic, material content of legal state (based upon legal state order it should be a system of a social state system); 3) social and legal state should serve for civic society functioning; the principle of the social and legal state can be realized through compromise, coordinated settlements in order to implement a balance between personal and social interests, integrity of society, its material and spiritual progress; 4) social and legal state shows itself through the principles of social justice, human dignity, solidarity, autonomy of social relations, processes of subsidiarity and social obligations; 5) the principle of a social state is an important constitutional guarantee of effective realization and protection of social rights and freedoms system.

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It seems that the perfect way of using my device is to turn it off?!...

Idea by - B.Zhytnigor  
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