

Kozhanenko Evgeniya, student,
National Aviation University, Kyiv, Ukraine
Scientific adviser: Vodolaskova K.Yu., Ph.D

MECHANISM OF THE STATE AND ITS MAIN ROLE FOR SOCIAL STATE DEVELOPMENT

The state is a sovereign politico-territorial organization of a society with power, which is exercised by the state apparatus on the basis of legal norms that provide protection and reconciliation of public, group and individual interests with legal restraint, if necessary.

The state is a complex social system. The essence of the state is the intrinsic content of its activity, which expresses the unity of the general social and narrow interests of citizens. Any state, together with the solution of purely class problems, also performs social tasks [1].

Therefore, the main function of the state is to ensure a high level of life of society. For the exercise of all powers there are many state organizations that form the mechanism of the state.

The state creates various organizations for the fulfillment of its tasks and the fulfillment of its functions, the totality of which is the mechanism of the state.

That is, the mechanism of the state is a holistic hierarchical system of state bodies exercising state power, as well as institutions and enterprises through which the tasks and functions of the state are fulfilled.

Signs of the mechanism of the state:

a) the presence of a system of interdependent, interacting, hierarchically subordinate bodies and institutions, enterprises, organizations;

b) the presence of a group of persons whose distinguishing feature is professional management of society;

c) the possibility of realization of the tasks and functions of the state as organizational, financial, and coercive means, material instruments of coercion;

d) the presence in each of the state bodies and enterprises, institutions, organizations of their competence as the legal basis of their activity.

In the structure of the mechanism of the state distinguish:

a) public authorities;

b) state-owned enterprises, institutions, organizations [2].

Part, namely state-owned enterprises and institutions, under the direction of state bodies, practically performs the functions of the state in the sphere of production activity related to the creation of tangible (enterprise) or intangible (institution) values.

Thus, the structure of the mechanism of the state is:

1) the apparatus of the state - the system of all organs of the state, endowed

with powers that directly carry out the functions and tasks of the state;

2) state-owned enterprises - independent entities that have the rights of a legal entity and carry out production, research, commercial activities to obtain the appropriate profit;

3) state institutions - those state organizations that carry out directly practical activities to perform the functions of the state in various spheres (economic, social, cultural and empowered legal entities and have a specific organizational structure and specific powers defined by them [3]. The state apparatus is a part of the mechanism of the state, which is a system of state power and is united by such a concept as the apparatus of the state According to M.S. Kelman and O.G. Murashin in all state bodies, which are empowered with the power to carry out the tasks and functions of the state, through which the state power is practically exercised.

A dual understanding of the state apparatus is possible: in a narrow and broad sense.

The apparatus of the state (in the narrow sense) is actually the administrative apparatus or apparatus of the executive power, which consists of officials and is headed by higher executive bodies.

The apparatus of the state (in the broadest sense) - in addition to the administrative apparatus itself includes the head of state, parliament, local authorities, the armed forces, the police (police), diplomatic missions abroad, etc. Signs of the state apparatus:

1) the system of state bodies, which is a well-established structural organization based on general principles, unity of the ultimate goal, interaction and oriented to ensure the implementation of the functions of the state;

2) a system of legally formalized state bodies, that is, those that are endowed with competence (powers, subject matter, legal responsibility) and are engaged in the management of society on a professional basis as bearers of power;

3) a system of state bodies, within which the activities of civil servants are strictly separated from the "property" belonging to them as subjects;

4) a system of bodies, each of which has the logistical means to carry out these functions;

5) a system of bodies differentiated according to the principle of separation of powers into legislative, executive and judicial branches;

6) a system of bodies, which carries out its activities for managing the society and performing the functions of the state in the forms of direct administrative and legal [1].

Therefore, we can conclude that just as the clock does not go, so the modern state cannot exist without a mechanism. In my opinion, any mechanism is the best thing that a person has invented because it allows us to do certain actions in a certain sequence. To improve the state and the law every day more and more, to do, perhaps not perfect, but close to the ideal of our existence.

References

1. Скакун О.Ф. Теорія держави і права: підручник / пер. з рос. Харків: Консум, 2001 (дата звернення: 22.04.2020).
2. Ознаки механізму держави. URL: <http://yurist-online.com/ukr/uslugi/yuristam/literatura/stati/tgp/043.php> (дата звернення: 22.04.2020).
3. Структура механізму держави. URL: https://pidruchniki.com/12980108/pravo/ponyattya_struktura_mehanizmu_derzhav (дата звернення: 22.04.2020).

УДК 340.12 (043.2)

Колодій Є.С., студентка,
Національний авіаційний університет, м. Київ, Україна
Науковий керівник: **Макеєва О.М.**, к.ю.н.

ПРИРОДНЕ ПРАВО ЯК ЕЛЕМЕНТ ПРАВОВОЇ РЕАЛЬНОСТІ

Ідея природного права актуалізується в контексті розбудови демократичної правової держави. Природне право – важливий критерій ефективності чинного законодавства. Це право виступає як ідея права для формування позитивного права та є основою для чинного законодавства. Природні права не можуть не діяти на особу, котра народилася, адже вони не надаються будь-якою особою або організацією. Природні права людини – це її певні можливості, які забезпечують належне існування, характеризуються свободою людини, можливостями суспільства, є рівними для всіх. В основі права лежать певні суб'єктивні та об'єктивні фактори, оточуючий людину світ та її усвідомлення самої себе як такої.

Природно-правова концепція розвивалась у трьох напрямках: космологічному – трактуючи право як прояв загальних законів світобудови, християнсько-теологічному – розглядаючи право як прояв божественної волі та гуманістичному напрямку, що пов'язує виникнення і розвиток права з розумною природою людини. Теорії природно-правового типу праворозуміння ґрунтувались на ідеях Аристотеля, Цицерона, Фоми Аквінського, Августина, Г. Гроція, І. Канта, Г.В. Ф. Гегеля, В. Лейбніца і т.д.

У стародавніх мислителів можна віднайти розуміння природного права. Так, у Цицерона в праці «Закони» наголошується, «що існує істинний закон, а саме справедливий розум, який узгоджується з природою та живе в кожній людині – незмінний та вічний» [1].

У Кодексі Юстиніана дається таке трактування природного права: «Природне право є таким, якому природа навчає всіх живих істот, адже право це є властивим не лише людському роду, а всім живим істотам... є загально визнаним» (Д. 1, 1, 3) [2].

З такого розуміння природного права можна вивести такі його основні