

STATE

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Features of State

Definition: State is an organization of the political sovereign power which spreads its jurisdiction over certain territory and population living on it.

- ▶ Sovereign State Power
- ▶ Territory
- ▶ Population
- ▶ Legal System
- ▶ Tax System

Functions of State

► Internal Functions

- Protective Function
 - Legal Order
 - Protection of Human Rights and Freedoms
- Regulative Function
 - Economic Relations
 - Financial Relations
 - Tax Relations
 - Social Relations
 - Cultural Relations
 - Ecological Relations

► External Functions

- Defense and Security
 - Armed Forces
 - Defense Infrastructure
 - Participation in Military Alliances
- Foreign Policy and International Cooperation

Methods of state

Methods of state power fulfillment are means used by state power in order to obey it. There are traditional methods of state power as:

- ▶ **conviction** – the use of ideological and ethic means on the will of a person and is widely used by ideologists.
- ▶ **enforcement** – state enforcement is a psychological, financial or physical influence of state power on an individual to enforce it to act according to the system. State enforcement can be legal and illegal; the second is the tyranny of state bodies. The first is the type and measures defined by legal norms in the frame of special process.
- ▶ **Recommendation**
- ▶ **Encouragement**

Forms of State

Various kinds of States may be differentiated according to the following criteria:

- ▶ Form of Government
- ▶ Form of State Structure
- ▶ Form of Political Regime

Form of Government

- Monarchy
 - ▶ Absolute
 - ▶ Dualistic
 - ▶ Constitutional
- Republic
 - ▶ Parliamentary
 - ▶ Presidential
 - ▶ Mixed

Forms of State Structure and Political Regime

► Form of State Structure

- Unitary State
- Federation
- Confederation

► Form of Political Regime

- Totalitarian
- Democratic

Theories of Origin of State and Law

- ▶ Theological
- ▶ Patriarchal
- ▶ Contractual
- ▶ Organic
- ▶ Psychological
- ▶ Irrigational
- ▶ Theory of Violence
- ▶ Economic

Rule-of-Law State

Definition: Rule-of-Law State is a state the activities of which are based on the principles of law and the main purpose of which is the observance and protection of human rights and freedoms.

Attributes of Rule-of-Law State

- ▶ Recognition of an individual as the highest value;
- ▶ Observance and protection of human rights and freedoms;
- ▶ Legality (Lawfulness);
- ▶ Correspondence of the national legislation to the universal principles of international law;
- ▶ Division of Power
- ▶ Independent and Effective Judicial Power;
- ▶ Public Control over the State Organs, Transparency;
- ▶ Political Pluralism;
- ▶ Economic Freedom – Inviolability and Protection of Private Property
- ▶ Mutual Responsibility of the State and an Individual;
- ▶ Civil Society – Society of Free, Independent, Educated, Politically Active People

THANK YOU

