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TRANSFORMATION OF THE MODERN STATE INTO A SOCIAL STATE

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Abstract

The relevance of the study is considered due to the formation of a social state in Russia. The principles of the social state model plays a crucial role in the successful operation of our entire society. The formation of a social state in post-Soviet Russia is at the very beginning of theoretical and practical development. Scientific research on this issue is not enough. Moreover, it is extremely important for the state to take care of the social security of the multinational people of Russia, which is “the bearer of sovereignty and the only source of power” in accordance with article 3 of the Constitution of Russia. The study develops scientific and practice-proven terminology in the theory of the social state and presents the model for its creation based on the analysis of factors affecting the development of the social state in the Russian Federation. The leading method for studying modern problems of the social state is the method of analysis and comparative study of the Constitution of Russia and foreign countries, confirming the state’s obligation to provide social security for the population and then synthesizing its identified signs and functions suitable for the domestic model of the social state. The authors substantiated the need to strengthen the legal basis of the social state in the conditions of transformation of public life. The article concludes the Russian Federation as a social state is in the process of constantly searching for effective legislation in order to improve the living conditions.

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Keywords: Social state, social law, Constitution, Russian Federation, decent human life, social policy.



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1. Introduction

Human civilization develops, evolves and modifies within the state and all the corresponding legal system. At the same time, it experiences a mass of problems, both theoretical and practical, with the cultural transformation of modern society in the context of globalism.

Goals and tasks in the modern state are aimed at solving social issues which are becoming increasingly important. The activities of state bodies for social protection constitute the functional content of the social policy of the modern state, which acquires the features of a social state organization. Nowadays the Russian Federation, the state bears the imprint of a transition period, the characteristic features of which are inconsistency, interdepartmental disunity, and corruption of power.

Nevertheless, in the Russian Federation, the state assumes obligations and responsibilities to ensure social protection of the population, which provides for the development and implementation of laws, social assistance programs, the creation of an organizational structure, and training for work within the social sphere.

The relevance of the formation of a social state in modern Russia is due to the principles of this model of the state. Practicing of the model plays a crucial role in the successful operation and effective functioning of our entire society. The formation of a social state in the context of the transformation of the vital foundations of Russian society is being developed. Scientific research on this issue is not enough. Moreover, it is extremely important for the state to take care of the social security of the multinational society of Russia, which is “the bearer of sovereignty and the only source of power” as cited in the article 3 of the Constitution of Russia.

This issue is also on the agenda since the model of the social state is becoming a priority for many developed countries, respectively, and for Russia is trying to establish the status of the state as a democratic legal social state.

2. Problem Statement

Nowadays all the developed countries of the world are more or less social states that take responsibility for the state and development of the social sphere.

However, there appears a question, whether the concept of “social state” means independence or whether it expresses a functional dependence between the essence, content and form of the state. Though most authorities associate a social state with a highly developed economy, a formed civil society, a state based on the rule of law, the spiritual and moral potential of the society.

There is a need to develop the theory of the social state, since the realization of the social function of the state is to bring great benefits to society.

The study of the concept of “social state” is crucial, since it is necessary to improve the legal system, mechanisms, and the practice of functioning according to the constitutional framework.

3. Research Questions

A social state is a special type of state with a policy aimed at ensuring living conditions at a high level for the whole society. It develops a state system of education, healthcare, housing, implementing a social security program, regulating the minimum wage, and protecting the national culture.

The purpose of the social state is to create conditions for self-realization of the personality, excluding the facts that nurture social dependency. The modern social state is called upon to control the self-regulation of the economy and the distribution of income between all categories of citizens (Rödl, 2019).

Researchers consider the idea of social state to be formed in the late 19 – early 20th centuries as a result of socio-economic processes in society. In the middle of the 19th century many countries experienced range of revolutions and crises. The installations of individual freedom and non-interference of the state in the economy ceased to function, which threatened the collapse of existing political regimes. The political situation of that time made the state to make concessions and proclaim a new state mission.

States that can be described as social, acquired such features only in the 1960s. But the idea of creating a social state goes back to the long and complex history.

The term “social state” was first introduced into science in 1850 by the German philosopher Lorenz von Stein. The social state, according to Stein, should consciously serve the interests of the society. Destroying classes is not possible; power expresses the interests of the ruling class – the possessing class; the poor class represents a potential danger to the state. The most important task of the state seemed to "raise" the lower classes.

In his regard the state was obliged to maintain absolute equality of rights for all social class representatives, to promote the economic and social progress of all the residents. There was an idea of the personal development influencing the development of the whole society. According to Stein (1921), the concept of social state was

obliged to maintain absolute equality of rights for all different social classes, for an individual self-determined person thanks to his power. It is obliged to promote the economic and social progress of all its citizens, because ultimately the development of one is a condition for the development of the other, and it is in this sense that the social state should be understood. (p. 93)

The problem was proposed to be solved with the help of social mobility as a means of overcoming class differences and a set of social measures.

There are also number of important studies by other German scientists of the 19th century – A. Wagner (the idea of a “state of culture and general welfare”), F. Naumann, and J. Offner. There is a characteristic feature of the interpretation of social state by German scientists which is laid in their view through the linking activities of the state in the social protection of citizens and a market economy (Miletsky, 2010).

A significant contribution to the development of the theory and practice of the social state was made by Franklin Roosevelt's New Deal. In the United States there was thoughtful and effective reform program which includes a huge block of social measures: combating unemployment, legislatively

securing the right of workers to collective bargaining and organizing unions, setting the maximum working week, introducing a state social insurance system for old age and unemployment et al. (Kosarenko, 2019).

The goal of any state is to maintain the socio-political stability. For the sake of this, it makes concessions to society and, as a result, becomes social. According to Kochetkova (2008), the state is also interested in transforming into a social, as it is interested in its self-preservation.

The formation of a social state is a process not only political and economic, but also moral. There are main features describing the social state:

- democracy in the organization of state power;
- a high level of morality in a society, as well as in state officials;
- a powerful economic mechanism that implements income distribution without affecting the position of owners;
- the presence of civil society, the instrument of which is the state for conducting social policy;
- the focus of state policy on social aspects, manifested in the development of various social programs and their implementation.

Usually, states that reach the highest level of living conditions and the most developed economy deserve a status of a social state, since this type is characterized by a huge number of duties and guarantees to residents, large expenditures of the state budget, and it will be beyond the power of undeveloped countries of the world. However, nowadays, there are many social states: Sweden, the Netherlands, Germany, Canada, Finland, Great Britain, Italy and others (Kosarenko, 2019).

The Scandinavian countries social policy is most developed and quite often it is considered an ideal, in comparison with other countries. This can be seen if you look at the table showing the most active social policy.

The Scandinavian countries social policy is most developed and quite often it is considered an ideal, in comparison with other countries. This is presented at the table 01 showing the most active social policy.

Table 01. Social policy of countries

Country name	Social commitment program for the elderly population (% of BBI)	Poverty cutback rate
USA	2.3	26.4
The Netherlands	9.6	65.2
Sweden	11.6	77.4
Germany	7.3	70.5
Canada	5.8	46.0
Finland	10.9	69.7
UK	7.1	60.1
Belgium	9.3	76.9

This type of state is characterized by specific functions reflected in the constitution.

The Federal Republic of Germany was the first to proclaim itself the social state indicating in Part 1 of Article 20 of the Basic Law: "The constitutional structure in the lands must comply with the principles of the republican, democratic and social rule of law ". This provision is legislatively reflected in the Constitutions of Portugal, Greece, Turkey, Denmark, Sweden, the Netherlands and other countries.

Nowadays the social state personifies the obligation of the civil servant to carry out an active social policy in order to ensure decent conditions, provided that all forms of ownership of the means of production are equal. It guarantees the action against social conflicts, supporting the interests of different segments of the population. There is a main task to make the living conditions better, safer and fairer with the help of social policy (Laruffa, 2018).

4. Purpose of the Study

The purpose of the study is bring up new ideas about the social state. To present it in a way of mechanism which removes the contradictions between the laws of a market economy and the social goals of a transformed 21st century. On the one hand, the desired model of the social state is based on liberal ideas, where the application is very limited, and on the other hand, the social role of the state is increasing and society is demanding to increase the effectiveness of state social policy.

Therefore, the scientific ideas developed by the authors are designed to state the fact that the formation of a social state is not only a political and economic, but also a moral process. It requires a "human" dimension.

5. Research Methods

The main research method used to study modern problems of the social state is the method of analysis and comparative study of the Constitution of Russia and foreign countries. These documents confirm the state's obligation to provide social security for the population and then synthesizing its identified signs and functions suitable for the domestic model of the social state. There should be a clear understanding of what the social state represents. New socio-political decisions to transform social life in the context of globalization bears new terminology. Some of them get into the language system, and some remain unused, or used in a narrow sense. The terminology in the theory of the social state is now beginning to settle down, and one of the goals of the study is to analyse a number of concepts that have arisen for their applicability in legal constructions.

6. Findings

There are several approaches of scholars to the concept of a social state.

Kutafin (2014) finds the main goal of a social state – the achievement of social development, which is based on the principles of social justice, universal solidarity and mutual responsibility within a law. The social state is built to help the weak, to influence the distribution of economic benefits, based on the principle of justice, in order to ensure high level living conditions.

Some researchers believe, the social state should carry out its policy supporting the interest of the society, without any discrimination, to ensure stability in the country and social protection of citizens in a market economy.

So, according to Zatonsky (2006), a social state is a democratic state based on the rule of law, which is responsible for social justice, the well-being of residents, their social protection, recognizing a socially oriented policy as the most important direction of their practical activities and effectively implementing the main directions of this policy within in the Constitution.

According to Goncharov (2000), a social state is a special type of highly developed state ensuring high level of social protection of the society, developing economic and other spheres of society, establishing social justice and solidarity in it.

The definition of a social state sounds different in the article written by the sociologist Khramtsov (2007). He considers a social state as a special type of state that has arisen as a result of a broad historical compromise of multidirectional political and social forces. Built within the interests of all sectors of society, based on the recognition of common interests of counterparties, social confrontation and the need for its further expansion through active social policy based on economic efficiency and political stability (Khramtsov, 2007).

Krichinsky and Morozova (2014) mark a social state as a state that seeks to provide every citizen with high-level living conditions, social security, participation in the management of production and society, and ideally guarantees approximately the same life chances and opportunities for self-realization of a person in society. According to a number of modern lawyers, a social state is considered an organized political structure of a country, with the activity aimed to create high-level living conditions, free development of a person, protecting social and economic and cultural rights of residents, as well as an efficiently functioning and constantly progressing system of bodies of social protection, health care, education, etc. (Yunusov et al., 2019).

Thus, researchers see the features of the social state in regulating the economic and other important spheres of public life, focuses on the implementation of social policy. A social state is a state that should serve society and strive to minimize or eliminate social differences.

To sum up the above-mentioned descriptions the purpose of the social state is considered:

- creating high-level living conditions, establishing social justice in society, providing each citizen with:
- social security;
- creation of equal conditions for personal self-realization.

Undoubtedly, this is the presence of developed social protection at the legislation level, such as social legislation on protecting the population of Germany, and the consolidation of the term “social state” in the constitution. There is a similar legislation being made in modern Russia, however, it works only at the level of the constituent entities of the Russian Federation. There are Social Codes of St. Petersburg, the Yaroslavl and Volgograd Regions, as well as other socially oriented legislative acts of Moscow and other regions. However, according to the experience of the countries transforming socio-economic life in the context of globalization, the social state can be guaranteed only at the federal level.

Based on this, the study reveals an urgent need to develop a federal Social Code of the Russian Federation. The article in the Constitution of the Russian Federation declaring Russia a social state is not the only way to describe Russia as a social state.

According to Ivanenko and Ivanenko (2008), only a state with a sufficient financial and legal foundation can declare itself a social state. But the modern social state differs: it is aimed to protect the freedom, rights and interests of all residents. A state can be social only if it is legal and works out a well-developed mechanism for ensuring social rights.

7. Conclusion

The definitions of a social state formed over a hundred years are known limited within composition of constant features.

The first feature is the availability of social support for all members of society.

The second feature is the legal basis for the implementation of its social policy, the right of the state to control and regulate social processes.

The third – the provision of budgetary social benefits.

The fourth – the presence of state systems of social protection, social security and employment.

And the fifth feature is the responsibility of the social state for a high-level of living conditions. The acquisition by the modern Russian state of all these features is a priority for its development in the context of globalization.

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