

**Artículo de investigación****State power as a legal category: the concept, nature, and characteristics**

Государственная власть как правовая категория: понятие, сущность и признаки

El poder estatal como categoría legal: concepto, esencia y características.

Recibido: 12 de junio del 2019    Aceptado: 23 de julio del 2019

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This article analyzes the fundamental issues of the evolution of approaches to the legal category of state power. The authors consider the phenomenon of power as one of the most important types of social interaction. The authors show that during this evolution, along with the preservation of universal (essential) characteristics due to the nature and social purpose of the state, there is a modification of those properties and characteristics of state power that have a specific historical character and depend on many factors affecting ways of implementing state power. The article reveals the main types of state power and methods of its implementation. According to the authors, the power is not the result of only violence, the suppression of one person by another, but comes from the very nature of man. The authors reveal the category of "state power" by examining its content, characteristics, elements, subjects, and objects. They examine the ways of expressing political power as a type of domination of the corresponding social group depending on a particular historical type of society.

**Аннотация**

В данной статье анализируются основные вопросы эволюции подходов к правовой категории государственной власти. Авторы рассматривают феномен власти как один из важнейших видов социального взаимодействия. Авторы показывают, что в ходе этой эволюции наряду с сохранением универсальных (существенных) характеристик, обусловленных природой и социальным предназначением государства, происходит модификация тех свойств и характеристик государственной власти, которые имеют специфический исторический характер и зависят от множества факторов, влияющих на способы осуществления государственной власти. В статье раскрыты основные виды государственной власти и методы ее реализации. По мнению авторов, власть не является результатом только насилия, подавления одного человека другим, а исходит из самой природы человека. Авторы раскрывают категорию «государственная власть», изучая ее содержание, характеристики, элементы, предметы и объекты. Они исследуют способы выражения политической власти как тип доминирования соответствующей

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**Key Words:** State, evolution of the state, statehood, political society, state authority, public power, sovereignty, democracy, autocracy, totalitarianism.

социальной группы в зависимости от определенного исторического типа общества.

**Ключевые слова:** Государство, Эволюция государства, Государственность, Политическое общество, Государственная власть, Общественная власть, Суверенитет, Демократия, Самодержавие, Тоталитаризм.

## Resumen

Este artículo analiza los problemas fundamentales de la evolución de los enfoques a la categoría legal del poder estatal. Los autores consideran el fenómeno del poder como uno de los tipos más importantes de interacción social. Los autores muestran que, durante esta evolución, junto con la preservación de las características universales (esenciales) debido a la naturaleza y el propósito social del estado, hay una modificación de aquellas propiedades y características del poder estatal que tienen un carácter histórico específico y dependen de Muchos factores afectan las formas de implementar el poder del Estado. El artículo revela los principales tipos de poder estatal y los métodos para su implementación. Según los autores, el poder no es el resultado de solo violencia, la supresión de una persona por otra, sino que proviene de la naturaleza misma del hombre. Los autores revelan la categoría de "poder estatal" al examinar su contenido, características, elementos, sujetos y objetos. Examinan las formas de expresar el poder político como un tipo de dominación del grupo social correspondiente dependiendo de un tipo histórico particular sociedad.

**Palabras clave:** Estado, evolución del estado, estadidad, sociedad política, autoridad estatal, poder público, soberanía, democracia, autocracia, totalitarismo.

## Introduction

Power is one of the essential features of the state. At the same time, the existence of power follows from the necessity of organizing a society being its the most important function, ensuring an ordering, regulating influence on all the main spheres of its life. Joint activities in any society due to the fact that people have never lived in isolation from each other, communication is a necessary condition for the existence of people. The genesis of power should be sought in the very necessity of human society. Such a dormitory forms a psychological need to subordinate the individual to the common social will, a feeling of dependence, a state of domination on one side and a feeling of lust for power, the will to power on the other.

Solving the phenomenon of power, acquiring new knowledge about the nature of power and the mechanisms of power is perhaps the most important task in the theory of the state. The first attempts to understand the paradoxes and mechanisms of power were made in the early period of the political history of India, China, and Greece. For example, the fact that the ancient Greek "arche", meaning "power", or "primacy", had another meaning - the origin, or root cause,

apparently, was not a coincidence, but a vague guess about the nature of power.

Power is necessary, as Aristotle stressed, primarily for the organization of society, which is unthinkable without the subordination of all participants to a single will, to maintain its integrity and unity (Aristotle, 1948).

## Methods

Historical experience shows that where a need for coordinated actions of people exists (whether it is an individual family, group, social stratum, nation or society as a whole), there is a subordination of their activities to the achievement of certain goals. In this case, dominant and subordinate subjects are determined. Subordination motives are very diverse. They can be based on an interest in achieving the goal, on the conviction of the necessity to execute orders, on the authority of the ruling person and, finally, simply on the feeling of fear of undesirable consequences in case of insubordination. The motives themselves are of great importance for the effectiveness and durability of power. It is important to emphasize

that power relations are objectively inherent in social life. This is a kind of payment for life in society since it is impossible to live in society and be free from its rules. In other words, human civilization is impossible without power relations.

The theoretical and methodological foundations, the actualization of the problem of the place and role of power in different types of political systems can be found in the works by many philosophers, jurists, sociologists, and historians, such as Aristotle, M. Weber, N. Machiavelli, S. Montesquieu, T. Parsons, J. Scott, E. Giddens, F. Nietzsche, S. Frank, F. Hayek, H. Kelman, N., A. Silin, V. Podoroga, G. Belov and many others. The methodological basis of the presented research consists in combining universal (dialectic, synergistic and system-structural analysis), general scientific (institutional and mental-axiological measurements), and special research methods (comparative-legal, historical-legal).

### Main Part

A society cannot exist if any member receives the opportunity to exercise arbitrary power. As V. Soloviev noted, "the requirement of personal freedom, so that it can be exercised, already implies constraining this freedom to the extent that in a given state of humanity it is incompatible with the existence of society or the common good. These two interests opposed to abstract thought are equally mandatory moral, in fact, converge with each other. Their meeting bears the right" (Soloviev, 1990).

Power is not an indispensable result of violence, the suppression of one person by another. It is known that the complex nature of man implies a search for power over oneself, the need for submission. It is the need for one person to influence another, the power that unites people into society.

Soloviev notes that power inevitably turns out to be a consequence of the very social nature of man. As soon as the manifestation of power acquires a social character, its purpose becomes the creation and maintenance of order, it becomes the most important means thereof. People do not need to create power. It is enough for them to accept and submit to it, thereby establishing a certain order. The search for order, as a rule, is accompanied by a search for power. Yes, power requires submission. But people submitting to it should not sacrifice their freedom. One of the forms of exercise of power

is the authority. We often use this word, calling a person authoritative, speaking of any organization as authoritative in our eyes. "He has great authority" - we often hear about a person.

Power is a relatively stable relationship between subject and object. The concept of power cannot be used in relation to those social relations where the subject's ability to influence an object is simultaneous, unpredictable (accidental), and insignificant. As the editor of a reputable three-volume publication on the short study by J. Scott rightly notes, "social power includes the idea of producing significant impact... A fruitful concept of power must also include a criterion of significance, which can be used to highlight the consequences of the causal impact that are the result of social power" (Scott, 1993).

Summing up, power (in a general sense) is the ability and capability of a subject to have a certain impact on the activities and behavior of people through any means: will, authority, law, and violence.

It follows that power is one of the most important types of social interaction, a specific relationship between at least two subjects, one of which is subject to the orders of the other, and as a result of this submission, the power subject exercises its will and interests.

### Approaches to the category of power

Interpretations of the category of power and the reasons for its occurrence in society have many methods. Each of them fixes only one of the many aspects of power that interact with each other in the real process of its genesis. Within the framework of biological interpretation, power is considered as a mechanism for curbing, binding human aggression, rooted in the deepest fundamental instincts of man as a biosocial being. The very same aggression, as A. Silin notes, is regarded as a fighting instinct against fellow species that exist in both animals and humans. For Nietzsche, power is the will and the capability for self-esteem (Silin, 1995).

Representatives of the Freudian tradition speak of the instinctive, psychological nature of the desire for power and obedience. They find their sources in the structure of the unconscious, formed under the influence of social conditions associated with early childhood, sexual repression, education, cultivating fear, helpfulness, and obedience. The Marxist tradition connects the genesis of power with social factors of a different, not cultural, but more economic

nature, seeing its main cause in socio-economic inequality and the division of society into hostile classes, the need to ensure management of social integrity in the context of increasing social differentiation and struggle. The tradition of considering the power of man's very nature, its ineradicable strive for domination, the subordination of both the surrounding world and of their kind is very stable and peculiar: "The essence of power has nothing material, it is nothing but as a way of thinking" (Podoroga, 1989). The German sociologist M. Weber regards power as the ability to determine the behavior of other people even against their will, as dominance (Weber, 1968). Weber, who focused a lot on the problems of power, characterized it by the following features: 1) power is exercised by individuals and therefore includes some choice, an intention, and a means; 2) it includes an idea of the means, i.e. the way an individual can achieve the desired goals; 3) power, exercised over other individuals, may entail resistance and conflict; 4) it implies that there are differences in the interests of those with power and those without power; 5) power is a negative phenomenon, which includes restrictions and deprivations for those being subject to domination.

Weber's views on power are sometimes criticized, because, emphasizing the role of decision-making and the means of achieving goals, he does not take into account that refusal to make decisions and passivity can also act as particular manifestations of power (Abercrombie et al., 1994). Any failure of the authorities or refusal to act obviously testifies to its insolvency. Weber also did not take into account that sometimes those who have the power may form the needs or interests of other people dependent thereon. For example, advertising campaigns use the power possible in these cases, creating artificial needs in people.

Modern English sociologist E. Giddens defines power as the "transformational ability" that people possess, or "the ability to intervene in a given series of events so as to change them in some way" (Collins, 1995).

In Marxist sociology, various manifestations of power in society are viewed as structural relationships that exist independently of the will of individuals. The existence of power is considered a consequence of the class structure of a society. Accordingly, each class strives to implement its own interests, which may not coincide with or even contradict the interests of other classes.

However, not all definitions of power include such negative terms as "conflicts of interest" or "coercion". American sociologist T. Parsons defines power as a positive social ability to achieve social goals. However, the use of this terminology makes it difficult to distinguish between the concepts of "power" and "influence". At the same time, it is considered that power is scattered throughout the whole society, and not concentrated in the ruling elite. According to Parsons, society has some limited amount of power, and therefore any increase in the power of one social group inevitably entails a decrease in the power of another group. The political system here is considered as open and pluralistic, which allows the whole society to participate to a certain extent in the political process (Parsons, 1963).

As G. Lassuel noted, all political science is reduced to the study of influences. Power begins where information, recommendation, decision are implemented, moving to the achievement of the goal (Belov, 1994). He believes that the initial impulses for the emergence of power give the inherent in individuals desire (will) for power and the possession of "political energy". A person sees power as a means of improving life: acquiring wealth, prestige, freedom, security, etc. At the same time, power is an end in itself, allowing people to enjoy its possession. Political power is made up of the collision of diverse ingredients as a balance, an equilibrium of political forces.

### **Power and state**

Since the advent of the state, power is alienated from society and becomes the hallmark of any state, acquiring a political character. Power as a social function is transformed into political power, which serves as a concentrated expression of the economic needs of its carrier - a class, the cooperating social forces, a national elite, a political party, etc. The political nature of this power means that it receives its relative independence from other types of social activity in the state forms of governing society (it is separated from society and rises above society). This is the special nature of public authority, separated from all members of the state (Vargas-Hernández, 2016).

State power is characterized by a number of specific features. It has its own subject (carrier), expressing its social essence; it is legally unlimited; it embodies the concentration of power, using the method of persuasion, but based on coercion (this is the coercive nature of state

power); it has a real ability to organize public relations and establish legal forms of their development (monopoly of law-making activities, as well as enforcement - implementation of legal regulations, and law enforcement - law enforcement activities).

The above signs of state power result directly from the distinctive features of the state. They concretize them in relation to the organization of state power and allow distinguishing it from other types of social power. But at the same time, the provision of the sovereign nature of state power should be emphasized.

### **State power and sovereignty**

The social essence of sovereignty in the state is its entire and exclusive possession by the people, in which the actual sovereignty exercised in all spheres of public life is embodied. This essence is manifested in the unity of sovereignty, based on solid socio-political foundations: the unity of the people themselves and the unity of the state power they possess. Thus, in the conditions of the Russian Federation, the people act as a single political community, covering the multinational population of the entire state. The most important features of this community are a single economic space; the relationship of citizens of the state through a single state organization; common fate of various nations united within the framework of the historically established territory; a sense of responsibility for their land, the inviolability of its borders, its environmental security, the inviolability of the foundations of a democratic organization of society, the rights and freedoms of each person. All this to the greatest extent allows us to establish the essential qualities of the sovereignty of the people as a single, integral phenomenon of social life, to determine its carrier, which is the source of state power.

This deep sphere of social relations is where the actual power of the people arises and acquires a real expression, the economic and sociopolitical foundations of the exercise of this power merge, the political will of the one sovereign are formed. In this regard, the unity of power and sovereignty of the people by their subject and source, strong-willed character and social orientation is revealed.

Sovereignty is one of the most important properties of the state, by virtue of which it exercises independent and supreme power within its borders and is independent in the international arena. Accordingly, the internal side of sovereignty characterizes the state in terms of its

sovereignty in the exercise of its functions. It makes no sense to raise the question of the "internal independence" of state power since it completely depends on its carrier (the people), which gives it only relative independence. Within these limits, i.e. fulfilling the will of its bearer, state power has supremacy, its acts are indisputable, are absolutely binding within the borders of the entire territory of the state. As for the external manifestation of sovereignty, it implies the full independence of the state in foreign policy relations.

Within the state, there can be no other sovereign power that could appropriate the supreme functions in establishing the means and forms of domestic and foreign policy. This supreme power extends to the entire territory under the jurisdiction of the state. Thus, the most significant factors in the activity of state power are embodied in the sovereignty of the state itself.

### **Types of state power**

Types of state power are determined for various reasons: the methods of domination of social forces in society; powers of state bodies; the territorial scale of their activities.

The first of these grounds expresses the dominance of the relevant social group depending on a particular historical type of society. This domination can be exercised through a totalitarian, authoritarian, democratic government. In its original (classical) manifestation, state power can serve as the personification of the dictatorship of the ruling class and provide organized violence of this class to suppress the other. In the absence of democratic forms of its implementation and total (universal) distribution to all spheres of the public life of the personal and uncontrolled power of the dictator, totalitarian state power is established. Its action is aimed at unlimited intervention in human life and the elimination of civil society institutions. The totalitarian political regime as a form of manifestation of power is usually a product of the XX century; these are fascist states, socialist states of the "personality cult" periods. The term itself appeared in the late 1920s when some political scientists sought to separate the socialist state from the democratic states and were looking for a clear definition of socialist statehood. A totalitarian regime is an extreme form of an authoritarian regime. The totalitarian state acts as an all-encompassing, all-controlling, and all-penetrating power.

The totalitarian regime is characterized, as a rule, by the presence of one official ideology, which is formed and set by the socio-political movement, political party, ruling elite, political leader, people's leader, charismatic in most cases.

The totalitarian regime allows for only one ruling party and seeks to disperse, ban, or destroy all other, even pre-existing parties. The ruling party is declared the leading force of society, its goals are considered as sacred dogma. In addition, there is a demagogic orientation of all members of society towards the alleged outstanding achievements of the ruling party. A monopoly on information makes this workable.

In terms of state government, the totalitarian regime is characterized by extreme centrism. In practice, the government looks like the execution of commands from above, where the initiative is in fact discouraged and strictly punished. Local government and administration become simple command transmitters. Features of the regions (economic, national, cultural, social, religious, etc.), as a rule, are not taken into account. Control permeates the sphere of people's personal life. Demagogy, dogmatism becomes a way of ideological, political, legal life. The totalitarian state opposes economically and accordingly a politically free person, in every possible way restricts the entrepreneurial spirit of the worker. Totalitarian regimes differ in terms of a subjective feature that allows identifying the power monopolist.

If power is concentrated and exercised by one person — the monarch, the president, the dictator — the totalitarian regime takes the form of autocracy. It is also called the authoritarian regime. The system of power is associated with a specific "author", whose personal capabilities allow him to manage the actions of his companions and citizens of the state. As in any totalitarian regime, authoritarian power, autocratic power "is not restrained by constitutional norms and restrictions" (Black et al., 1999).

Authoritarianism, of course, exists, but only in line with totalitarian power as its variety. The concept of an authoritarian regime indicates the political dominance of one person.

A distinctive feature of authoritarianism is a strong executive power, usually based on the personality of the leader. The authoritarian regime can be based on law, moral principles, however, it cannot nevertheless be attributed to regimes where the population participates in

management, and power is exercised in the most efficient way.

Nevertheless, none of the forms of authoritarianism implies formation and control of state power by the people. Despite the fact that there are representative bodies, they really do not play any role in the life of society. The parliament stamps decisions worked out by the ruling elite led by a leader or a group of individuals.

In reality, life in the country is directed by the ruling elite, which does not limit itself by law, especially in terms of privileges and benefits. Its environment includes an even narrower circle of people, a small group of senior officials exercising political leadership. When a state's leadership is formed as a result of a military or state coup, an authoritarian regime is called a clique or junta. The ruling clique has its leader. His influence is very significant. However, he does not make decisions alone. Advice, recommendations, consideration of opinions, discussion of a particular issue with his team become necessary. The leader is usually a strong, sometimes charismatic personality. Although the public opinion does not deify the leader, does not call him a leader, nevertheless, it is guided by this strong personality.

Authoritarian regimes in their relatively "soft" form often serve to carry out reforms, strengthen the state, its integrity, unity, and oppose separatism and economic disintegration. An authoritarian state usually carries out centralized management.

Decisions of the central government, which often neglect the economic, national, geographical, domestic, religious, and other features of particular groups of the population, are not carried out voluntarily. Opposition to authoritarianism is not allowed. Several parties can take part in political life, but all these parties should be guided by the line worked out by the ruling party, otherwise they are prohibited, dispersed. Oppositionists, both organizations, and citizens are severely punished. The government applies legal and illegal methods of reprisals to dissidents. Personality in an authoritarian state cannot actually enjoy constitutional rights and freedoms, even if they are proclaimed formally since there is no mechanism for their implementation, guarantees. It is also deprived of guarantees of its security in its relations with the authorities since the authorities do not constrain themselves in the use of coercion. The full priority of the state's interests over the individual is proclaimed, and

the rights of the individual are ignored. The authoritarian government realizes that the trust of the people is a great force, and therefore it cultivates fanaticism among the masses towards itself, using demagoguery.

The presence of authoritarian power does not always serve as an indicator of the anti-democratic nature of the state. A strong centralized power is sometimes a necessary counterbalance to disintegration and anarchy and can be a transitional stage to the beginning of the creation of civil society. But in general, the authoritarian government allows interference in public life and violation of the private autonomy of citizens.

Finally, the arbitrary, uncontrolled rule of the majority is called ochlocracy or popular autocracy, popular absolutism (S. Frank), plebiscitary dictatorship (F.A. von Hayek), "the tyranny of crowd, infinitely ruling not only in public relations but over the whole private human life..." (Chicherin, 1990).

It is important to note that ochlocracy, the "power of the crowd," cannot exist in its pure form for any period of time. The simplest coordination of the actions of large masses of people needs at least a minimal organization. Moreover, without a connecting, authoritative beginning, the state is unthinkable. In fact, ochlocracy always coexists with authoritarianism or oligarchy. Usually, it turns into the power of a charismatic, deified leader who receives indisputable and unrestricted support from the majority - "the people exalt one person in order to find protection for themselves" (Machiavelli, 2004). Of course, these trust and support are usually organized intentionally, but they are obvious.

In the context of ochlocracy, the dictator, endowed with unlimited confidence, supports it by all means. The principle of "*salus populi suprema lex*" (the good of the people is the supreme law) is being approved. Decisions of the dictator are perceived as the implementation of the hopes and aspirations of the people, his policy is aimed at the welfare of the nation, the power of the state, the expansion of the territory, the fight against internal and external enemies. The broad masses of the population are attracted to the implementation of political activities, to violence. V.I. Lenin wrote that "the task of the party is to develop forms of violence that would count on the direct participation of the masses and ensure this participation" (Lenin, 1960).

There are plenty of examples of this kind - Caesarism, Bonapartism, the rule of Hitler,

Stalin, Mao Tse-Dong, F. Castro. In all these cases, autocratic power arose and existed with the obvious approval of the overwhelming majority of society.

The tyrannical regime is based on sole management. However, unlike despotism, the power of a tyrant is sometimes established by violent, aggressive means, often by shifting legitimate power through a coup. It is also devoid of legal and moral principles, is built on the basis of arbitrariness, sometimes terror and genocide. It should be noted that the concept of "tyranny" has an emotional, political, and legal assessment. When it comes to tyranny as a political regime, it is precisely the assessment of the cruel methods the tyrant uses to exercise state power. In this sense, the power of a tyrant is usually cruel. In an effort to suppress resistance at its birth, the tyrannical regime carries out executions not only for pronounced disobedience but often for the detected intent to this effect. In addition, the invaders widely use preventive coercion in order to sow fear among the population. Mastering the territory and population of another country is usually associated not only with physical and moral violence against people but also over the customs that exist among the people. Tyrannical regimes can be observed in the policies of ancient Greece, in some medieval city-states.

Tyranny, like despotism, is based on arbitrariness. However, if in despotism, arbitrariness and autocracy fall primarily on the heads of top officials, then tyranny focuses on every person. Laws do not work, because the tyrannical power in its majority does not seek to create them.

Despotic regime (from Greek "despotia" - unlimited power) is characteristic of the monarchical form of government, namely the absolutist monarchy when power is exercised solely by one person who becomes a despot. Despotism arose in antiquity and was characterized by extreme arbitrariness in management (power was sometimes exercised by extremely power-loving individuals), complete lack of rights and submission to the despot by his subjects, the lack of legal and moral principles in management. For many states of the Asian way with their public, state property, forced labor, rigid regulation of labor, distribution of its results, conquering, imperial tendencies, the despotic regime became a typical form of exercising power. In a despotic state, a punitive, rigid tax policy towards the people dominates.

The despotic regime applies a severe suppression of any autonomy, discontent, indignation, and even disagreement of the subjects. The sanctions applied to this, stun the imagination with their severity, and, as a rule, they do not correspond to the deed, and are determined arbitrarily. Hard suppression is widely used.

The psychological foundations of despotism are also peculiar: fear permeates all pores in the state. Despotism rests on fear. Describing despotism, Montesquieu writes about the fact that everyone should every minute feel the ruler's raised hand. "If a ruler at least momentarily lowers a threatening hand, if he cannot immediately destroy those who occupy first places in the state, then everything is gone, since fear - the only beginning of this form of government - has disappeared, and the people no longer have a defender" (Montesquieu, 1995).

The despotic regime was common mainly in the countries of the Mediterranean, the Middle East, Asia, Africa, South America, briefly saying - in the states of the "Asian production", slave societies, and some feudal countries. It is characteristic of the early stages of the development of human society, statehood. However, this regime arose and may arise in some modern states due to the historical uniqueness of their development, personal characteristics of their political leaders, monarchs, methods of struggle for power and its implementation or suppression of opponents of the regime, etc.

Theocracies as varieties of the political regime reveal many peculiar features in their political and legal systems. Literally, theocracy means "divine rule", the power of God. For a cleric and a sincere believer, religion embodies truth and justice. Therefore, it is likely to expect from a believer that, having become a politician, he will try to establish religious norms and values by authority, by the power of the state.

Attempts were repeatedly made to invent a pattern of theocracy, where everyone lives happily and justly under the authority of God. On the other hand, the global state and legal practice demonstrates the difficulties in creating or even the impossibility of a regime where freedom of conscience and moral choice coexist with the political dominance of religion. The existing models of theocracy are totalitarian, and therefore the theocratic regime is unacceptable for a society committed to the ideals of personal freedom.

The literature provides simplified, inaccurate definitions of theocracy. For example, theocracy is designated as "a form of government in which the head of state (usually monarchist) is at the same time its religious head" (Bytyak et al., 2017). Following this definition, we will have to rank Great Britain among a theocracy, where the monarch has the title of the head of the Anglican Church. In reality, the notion of theocracy is more complicated.

Theocracy is a regime where political power really belongs to spiritual leaders, a deity, and prescriptions of religious origin, canons, are the regulator of public, including political, relations. The bearer of religious authority is liable primarily to the heavenly authority. Therefore, he acquires freedom from political obligations to co-religionists, from control on their part. For example, the idea of taqlid is quite widespread in Islam, i.e. unquestioning obedience to religious authorities and doctrines. The measure of good faith and the nature of power depend on the personal moral and intellectual qualities of religious leaders, and not on the free political choice of citizens.

An alternative to a severe anti-democratic government with elements of personal dictatorship is usually a democratic government. It is feasible in a truly democratic state, where the process of reverse "absorption" of state power by society can be ensured. In this case, the whole nation becomes the sole bearer of all power in the state. The people must be the sovereign owner of state power, which entirely belongs thereto.

Democratic power uses multiple forms, combining them in the interests of ensuring the sovereignty of the people. The most important of these forms is a representative democracy, which serves as a kind of link between the people and the professional state apparatus, which carries out operational power activities. Elections of representative bodies concentrate the most important features of genuine democracy since they serve as the highest direct expression of the power of the people and at the same time constitute the institution of popular representation in our country.

Representative democracy means delivered by the people, through popular elections, certain important functions to manage the affairs of the state and society to their elected representatives (deputies), who unite in organizations to exercise state power at the level of the federal level and its subjects or local self-government at the municipal level. Thus, this form ensures the



exercise of sovereignty of the people through elected representative bodies that make up the system of representative democracy. The system of representative democracy expresses the state will of the people, embodied in the law, and ensures the solution of local issues by the population. Thus, the democratic forms of manifestation of the sovereignty of the people begin with the representative system, and the people's sovereignty itself determines the character of the people's representation.

Equally significant in the system of democracy is direct democracy. This value is determined by the role played by the direct expression of the will of the people, not refracted through any intermediate links, both in the process of law-making and in solving the most important issues of state-building.

Direct democracy means the opportunity to discuss issues of state and public life and make relevant decisions not through the representative bodies but by the direct will of the people or their parts. Such a declaration of will, duly executed in the form of an act containing a decision on the matter under discussion, is final and not subject to approval or revocation by any authority.

Institutes of direct democracy are very diverse. In addition to those specified in the Constitution, people use the most important draft laws and other issues of public life, meetings of citizens, meetings on sectoral issues, activities of public associations, political parties, meetings and demonstrations, pickets, drawing up petitions and signatures, appeals to the state bodies and public organizations, etc. A number of them are imperative, i.e. decisions taken as a result of their conduct are of supreme legal force for the state and its bodies and are generally binding (referendum, elections). Others are advisory, i.e. not mandatory, but recommendatory for state bodies and other subjects (for example, discussion of draft laws, decisions of meetings of citizens, resolutions of meetings, etc.).

An important role in the exercise of state power of the people is played by state bodies, which in their totality constitute a state apparatus that operates on a professional basis and ensures the day-to-day management of the affairs of the state and society. With the establishment of the post of the head of state elected by the people in Russia, grounds emerged for distinguishing another form of democracy in the system of democracy - presidential democracy.

## Conclusions

State power acts as a function of the economically and politically dominant social stratum in managing the affairs of society through a specially organized apparatus for exercising power. State power is characterized by a number of specific features. It has its own subject (carrier), expressing its social essence; it is legally unlimited; it embodies the concentration of power, using the method of persuasion, but based on coercion (this is the coercive nature of state power); it has a real ability to organize public relations and establish legal forms of their development (monopoly of law-making activities, as well as enforcement - implementation of legal regulations, and law enforcement - law enforcement activities) (Bytyak et al., 2017; Lyubashits et al., 2015; Mamychyev et al., 2016).

The most important principle of democracy is ideological and political pluralism, a multi-party system and a multi-form public life. This implies a difference in the directions of activity of political forces, their struggle for power within the framework of the law, the difference of views and ideas about the ways of the development of society. All these differences are identified and implemented in the process of formation and activity of such organizational forms of social activity as political parties and other public associations (Lyubashyts et al., 2018). They assist the state and its bodies in the management of society, are participants in the exercise of political power. However, at the same time, such a multitude of political forms is not something amorphous and vague; it also does not constitute a simple arithmetic sum of heterogeneous organizations. All these forms are united in a single political system of society, which constitutes the constitutional mechanism of democracy.

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