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## **The concept of “local democracy” within the framework of the deployment of institutional and legal forms of local self-government: correlation, formalization and schematization of the main concepts**

This article analyzes the basic categories of the democratic processes in the local space, correlativeness in its framework and defined their basic parameters. According to this were considered works of the native scientists in aspect of the defined scientific problem in accordance with the global trend of its evolution. Processed the legal base of its regulation and defined the specificity of institutionalization in differentiated forms. Suggested the look at the formalization of these concepts, as well as attempt to their schematization as the general vector of human development which intend its immediate realization in practice in a local context.

*Keywords: local democracy, legal status, legal modus, municipal self-government, correlate of the local environment.*

## **Pojęcie «lokalna demokracja» w ramach rozwoju instytucjonalno-prawych demonstracjach lokalnego samorządu: relacje, formalizowanie ta schematyzacja głównych pojęć**

W artykule przeanalizowano podstawowe kategorie procesów demokratycznych w lokalnej przestrzeni, związek w jego określonych granicach i ich podstawowe parametry. Zgodnie z tym było przeanalizowano pracę lokalnych naukowców w zakresie niektórych zagadnień naukowych, zgodnie z globalnym trendem jego ewolucji. Opracowano bazę prawniczą jej regulacji oraz wyznaczono specyfikę deferencyjnych form instytucjonalizacji. Zaproponowano pogląd na formalizację tych pojęć, a również zrobiono próbę ich schematyzacji jak ogólnego kierunku rozwoju ludzkości, co intencjonuje jego bezpośrednią realizację na praktyce w kontekście lokalnym.

*Słowa kluczowe: demokracja lokalna, status prawny, modus prawny, samorząd lokalny, korelat lokalnego środowiska.*

## **Поняття «локальна демократія» в рамках розгортання інституціонально-правових виявів місцевого самоврядування : співвідношення, формалізація та схематизація основних понять**

У статті аналізуються базові категорії демократичних процесів у локальному просторі, корелятивність у його межах та визначено їх основні параметри. Відповідно до цього були розглянуті напрацювання вітчизняних вчених в аспекті визначеної наукової проблематики згідно з світовою тенденцією її еволюції. Опрацьовано правову базу її регулювання та визначено специфіку інституціоналізації у диференційованих формах. Запропоновано погляд на формалізацію цих понять, а також здійснено спробу їх схематизації як загального вектора розвитку людства, що інтенціоє його безпосередню реалізацію на практиці в локальному контексті.

*Ключові слова: локальна демократія, правовий статус, правовий модус, місцеве самоврядування, корелята локального середовища.*

In the time of global processes of modernisation, the world became so unified and "close" and, on the other hand, unique and heterogeneous that the question of common space for external communication system is as vital necessity, natural expediency in interactions, for spreading of information streams that link all the idiomatic subsystems of global world and thus cooperate the humankind entity. World democracy is a formalised language that dictates the tendency in organising of political life not only in the subsystems but also in turbulent international scope.

Nevertheless, due to democratisation of human life in the world as a general vector of human evolution there is a problem its direct realisation on practice. In our opinion, this practice in spite of its systemacy and integrity obtain specific determined universally, characteristics of categories such as hierarchisation, casual metamorphosis and mutual convertibility. The hierarchy proper structurise the system inside as well as optimise, maximise efficiency of its functioning. In this context level system of formalised world language – democracy – as an organisation of political life of humankind. Processes that are connected cyclically and are directed to one another within subordination are basic in self-reproduction, self-existence and self-functioning. We think that these are processes of global and local levels that exist within their own limits that incorporate peculiarity that, certainly, determine another "higher-lower" level and vice versa.

The local level of democracy is the fundamental dimensional sphere where the principles and mechanisms of organising political life of society in democratic form of general type are directly and efficiently realised. Actually, in our opinion, it is a diminutive trivial copy of world democracy at local level in its peculiarity. In this local environment existential functional and institutional form of social life (non-institutional as well but it is not studied due to the subject of the research) through specific group and differential positive particularly intentional ways of subjects' life of local level is developed.

Nowadays science uses the concepts of new governance, social capital, space as a natural and socio-cultural phenomenon, local democracy to analyse phenomena and processes at local level. From the end of XX century within the researches devoted to local processes scientific concepts of local democracy and local politics proper, in particular the concepts of new localism, municipal regimes and municipal self-government were formed.

The concept of local democracy has a system of specific features that are peculiar to it as an institutional form of organising political life in community in spite of general democratic and universal characteristics. The scientists M. Lend'el and M. Tokar distinguish:

1. belonging to the community. In such a manner an activation of citizen participation in it happens;
2. deliberation. Effective dialog between different interest groups is essential for democratic process;
3. political education. It is necessary for realized participation of citizens and for knowledge about politics on the same level with local elite in order to be equal in the educational level;
4. control over government's actions by people and highly qualified and high-quality execution of good government and social well-being.<sup>1</sup> In general we think that scientific conceptualisation of the notion «local democracy» is being realised in the process of short by time research but evolutionary weighed and scientifically well-founded, theoretical ground work (since the beginning of 90s XX c.). The analysing process of local democracy recently considerably intensified but it is not rather mechanic compilations from work to work, however, it also happens and is observed, but in most cases unique specialised research of this or that problem. Local democracy is a complex social political cultural and legal phenomenon that should be studied by political scientists, lawyers, sociologists, economists and other branches of specialised knowledge. This problem requires investigation not only because any subject is to be studied but because of the fact that problems of its studying practically is necessary for optimising and increasing of efficient government in country in particular at its local level.

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<sup>1</sup> Lendel M., Tokar M. *Regionalni ta mistsevi aspekti politiki* / Naukoviy visnik Uzhgorodskogo universitetu. Seriya : Politologiya, sotsiologiya, filosofiya. – Vol. 15. – Uzhgorod: Vidavnistvo UzhNU "Goverla", 2010, s. 204-210.

It is worth mentioning that the process of establishment and development of local democracy and its institutional manifestation represented by local self-government is directly correlated to the problematics of people's rights and freedoms, in particular, at the local level. The realisation of democratic social life at the micro level of state actualises intentional and stimulating ways of behaviour concerning the model of that behaviour at the macro level. As a conclusion the retransmission or reinterpretation of legal status and legal modus in the valid coordinate system that is from «state-human» to «human-municipal self-government-state». In such a way a new but latently known legal status-modus way of behaviour with its own functional existential filling self-reproduces from itself. The process of formation is done by determining of a number of factors such as firstly, establishment and development of local democracy; secondly, the process of institutionalisation of local self-government system; thirdly, legitimation in the society and legalisation of the state through the right of priority of rights and freedoms of human. H.H. Tanadzhi distinguishes these conditions.<sup>2</sup>

In our opinion, the arrangement of peculiar system of human rights and freedoms at local level is an objective process that is initiated by the human subjectivism in practice. The peculiarity of local level of community political life clearly demonstrates that in spite of the universality of legal status and modus there also exists own uniqueness and own ontologisation of functioning in space.

Analysing of this subject-matter started at the same time with establishment public self-governing authority in local scope. Only in that time objective process of development of legal statuses and moduses at local level, their peculiarity compared with general legal similar phenomena was made possible. This problems are reflected in the works of M.O. Baymuratov<sup>3</sup>, Y.Y. Baltsiy, O.V. Batanov<sup>4</sup>, T.M. Buryak, V.F. Pohorilko, V.A. Hryhor'yev<sup>5</sup>, O.A. Kovalenko and others. In our opinion among all the authors we should mention the works of M.O. Baymuratov<sup>6</sup> that are devoted to the themes of essence and establishment of local human rights system; works of V.A. Hryhor'yev and O.V. Batanov regarding the formation of the system of human municipal rights within public local self-government.

In general, the concept of human municipal rights is on the stage of intense scientific analysis but now considerable part of scientists distinguishes in their objective characterological description. In particular H.H. Tanadzhi and M.O. Baymuratov in joint article distinguish these peculiarities (parameters):

<sup>2</sup> Tanadzhi G. G. *Vidova charakteristika munitsipalnih prav lyudini* / Naukoviy visnik Akademiyi munitsipalnogo upravlinnya. – Zbirk naukovih prats.: Seriya «Pravo». – Vol. I. – 2010, s. 1.

<sup>3</sup> Baymuratov M. O. *Lokalna sistema zabistu prav lyudini v Ukrayini: sutnist ta stanovlennya* / M. O. Baymuratov // Yuridichna osvita i pravva derzhava: Zb. nauk. prats. – Odesa, 1997.

<sup>4</sup> Baymuratov, M. O., Tanadzhi G. G. *Munitsipalni prava lyudini* // Konstitutsiyni prava, svobodi i obov'yazki lyudini i gromadyanina v Ukrayini / Za red. akademika NAN Ukrayini Yu.S. Shemshuchenka. – K.: Vid-vo «Yuridichna dumka», 2008.

<sup>5</sup> Baymuratov, M. O., Tanadzhi G. G. *Munitsipalni prava lyudini* // Konstitutsiyni prava, svobodi i obov'yazki lyudini i gromadyanina v Ukrayini / Za red. akademika NAN Ukrayini Yu.S. Shemshuchenka. – K.: Vid-vo «Yuridichna dumka», 2008.

<sup>6</sup> Baymuratov M. O. *Lokalna sistema zabistu prav lyudini v Ukrayini: sutnist ta stanovlennya* / M. O. Baymuratov // Yuridichna osvita i pravva derzhava: Zb. nauk. prats. – Odesa, 1997.

1. dimensional parameters – local level of society functioning where territorial community exists and functions that is certain territory of country, its administrative territorial link (territorial aspect) and certain territorial community (subjective aspect);
2. theological (object) parameters – these are people's rights that affect and positively decide essential questions of its functions as a human and a member of local society;
3. functional parameters – existential instructions of objective needs of human existence that arise at micro society level;
4. ontological parameters – realisation of certain specific interests of individual or group character that are generated by profile subjects-producers at local level of society and are connected to the solving of minimal circle of problems of everyday life;
5. axiological parameters – municipal rights of individuality are essential value of society and state as because of them and thanks to them the society and its state organisation exists and functions stably;
6. gnoseological (epistemological) parameters – through municipal individuality rights human philosophy develops in the best way that functions all a local society level by and with other members of human community with an aim to existence and survival of people popularisation.<sup>7</sup>

This parametrical characteristics of the system of human municipal rights that are actualised and are found in its specific nature and are displayed in institutional form, actually, in local self-government within local democracy, proves the necessity, firstly, to study this problems and, secondly, proves the real existence of this concept in the life of local community.

Parametrical features of municipal right give qualitative and quantitative opportunity to distinguish types (political, economic, social, cultural etc.) and groups (individual and joint) of municipal rights, freedoms and responsibilities.<sup>8</sup> It by-turn leads to exact internal structuring, “publicity” of relations in “status-modus” system and theoretical typology of this system, thus, ad hoc we can talk about mechanisms not only practical implementation at local level (they de facto already exist) but also about processes of optimising and increasing the efficiency of their functioning.

In our context “status-modus” system plays the key role in its display at local level. We think that for our research we should analyse correlate between these elements of the system in order to understand their typological and externally visible image.

The initial meaning of the word “status” is both general situation of a certain human in society and complex of all or a part of its legal rights and responsibilities.<sup>9</sup> The notion “legal

<sup>7</sup> Baymuratov M. O., Tanadzhi G. G. *Munitsipalni prava lyudini* // Konstitutsiyini prava, svobodi i obov'yazki lyudini i gromadyanina v Ukrayini / Za red. akademika NAN Ukrayini Yu.S. Shemshuchenka. – K.: Vid-vo «Yuridichna dumka», 2008, s. 183-193.

<sup>8</sup> Tanadzhi G. G. *Vidova charakteristika munitsipalnih prav lyudini* / Naukoviy visnik Akademiyi munitsipalnogo upravlinnya. – Zbirnik naukovih prats. : Seriya «Pravo». – Vol. 1. – 2010, s. 3.

<sup>9</sup> Bartoshek M. *Rimskoe pravo: ponyatiye, terminy, opredeleniya* / M. Bartoshek; [per. s cheshskogo]. – M.: Yuridicheskaya literatura, 1989. – 448 s.

status" indicates subject's role in jural relationships system that are characterised, first of all, by its rights and responsibilities. That is why in scientific circle an opinion was formed that legal status is legally pronounced social position of an abstract not a certain person.<sup>10</sup> In our opinion, it is appropriate to distinguish peculiar features of legal status; in particular scientist O.I. Harytonova sees them like this:

1. state's will is reflected and expressed in it;
2. its content that has certain stability changes not by the people's will but by the legislator's will;
3. elements of legal status – general rights and responsibilities of the subject of objective right, its juridical responsibility – form and exist in the form of legal directions.<sup>11</sup>

So, we should remember that the category of "legal status", special as well as general, is a notion that is peculiar to abstract subjects. However, scientists and lawyers more frequently on the basis of home and foreign experience offer a thesis to detail differential forms of legal status or its certain parts in realisation of general and specific legal statuses through the notion "legal modus".<sup>12</sup> V.A. Patiulin introduces this category into scientific use and register it in the form of a definition as a complex of objective right norms that consolidate the rights and responsibilities of subjects that belong to certain social groups and are distinguished by certain criteria. Extrapolating V.A. Patiulin's statement onto our subjects, we can cross in the "status-modus" system from general legal status of a citizen to its specific determination in the form of features (age, sex, occupation etc.) in the form of types and groups of municipal right that is in the external form that we will talk about later. He on the level of theoretical intentions identifies such notions as "specific legal status", "legal modus" on the one hand, and general and specific, on the other hand.<sup>13</sup>

Among other researchers that studied the problems of legal modus we should draw attention to R.P. Manankov and S.A. Zinchenko's thoughts that interpreted it as a «gradational level towards specification of legal modus». <sup>14</sup> V.V. Rovnyuy states that he views the need to «dialogue» with «legal modus» and expediency of its scientific practical expropriation as a positive step as it is directed towards, firstly, enrichment of legal vocabulary and secondly towards solving a big number of private juridical and technical questions.<sup>15</sup>

<sup>10</sup> Aleksandrov R.G. *Obshchestvo, gosudarstvo, lichnost* / R.G. Aleksandrov // Sovetskaya yustitsiya. – 1967. – Vol. 17, s. 4-5.; Voevodin L.D. *Pravovoe polozhenie lichnosti v nauke sovetskogo gosudarstvennogo prava* / L.D. Voevodin // Sovetskoe gosudarstvo i pravo. – 1965. – Vol. 2, s. 44.; Matuzov N.I. *Lichnost. Pravo. Demokratsiya*. / N.I. Matuzov. – Saratov: Izd-vo Saratovskogo universiteta, 1972. – 294 s.; Popkov V.D. *Sovetskij grazhdanin (pravovoy status i otnosivnost)*. / V.D. Popkov // Vestnik Moskovskogo universiteta (Seriya «Pravo»). – 1968. – Vol. 1. – s. 3-15.

<sup>11</sup> Haritonova O.I. *Administrativno pravovi vidnosini (problemi teoriji): monogr.* / O.I. Haritonova. – Odesa: Yuridichna literatura, 2004. – 324 s.

<sup>12</sup> Paryulin V.A. *Sub'ektivnoe pravo grazhdan: osnovnyie chertyi, stadii, garantii realizatsii* / V.A. Paryulin // Sovetskoe gosudarstvo i pravo. – 1971. – Vol. 6, s. 24-32.; Belkova E.G. *Status sub'ekta prava* / E.G. Belkova // Izvestiya IGEA. – 2007. – Vol. 1, s. 44-47.

<sup>13</sup> Vitruk N.V. *Pravovoy modus lichnosti: sodержanie i vidyi* / N.V. Vitruk // Problemy gosudarstva i prava (Trudyi nauchnyih sotrudnikov i aspirantov). – 1974. – Vol. 9, s. 43-50.

<sup>14</sup> Zinchenko S.A. *Yuridicheskie faktiy v mehanizme pravovogo regulirovaniya* / S.A. Zinchenko. – M.: Volters Kluver, 2007. – 152 s.; Matuzov N.I. *Lichnost. Pravo. Demokratsiya*. / N.I. Matuzov. – Saratov: Izd-vo Saratovskogo universiteta, 1972. – 294 s.

<sup>15</sup> Rovnyuy V.V. *Problemyi edinstva rossiyskogo chastnogo prava* / V.V. Rovnyuy. – Irkutsk: Irkutskiy gosudarstvennyiy universitet, 1999. – 310 s.; Rovnyuy V.V. *O kategorii «pravovoy modus» i ee sodержanii* / V.V. Rovnyuy // Gosudarstvo i pravo. – 1998. – Vol. 4, s. 86-88.

Legal modus modifying within local level in the variation of human municipal rights acquires specifically existential and functional features. This modification is made in the institutional form through local self-government institute on the basis of fundamental democratic principles that are spatially limited in the level perception namely at local level. The last condition is a system of determinants that objectively dictate the logic of legal modus transformation. In the joint article «Human municipal rights» M.O. Baymuratov and H.H. Tanadzhi distinguish a number of peculiar features of specific or legal modus, human rights, in particular:

1. the form of legitimate possible and necessary behaviour of subject that is a member of territorial community is realised with its help;
2. mentioned legal modus acquires local localisation emanating to the level of relations «a member of territorial community-body of local self-government»;
3. it is characterised by theological approach to the needs and intentions of human that are connected with her and accompanies them within all the time by its functioning within certain local macro group regardless of human legal state;
4. launching the mechanism of local realisation of system complex of subject's (a member of territorial community) municipal rights is done with the help of this modus;
5. this legal modus a priori is established by legislation because it determines legal form of subject's appropriate behaviour;
6. relation of a person with a state and local society becomes vividly apparent with the help of this modus through the realisation of complex of subject's municipal rights;
7. this legal modus demonstrates the level of subject's legal culture in the process of its realisation;
8. formation and social significance of human legal modus in the context of acknowledgement of local self-government and territorial community as its primary subject appears as a pragmatic evidence of actualising «municipal rights of individuality».<sup>16</sup>

We think that from the above mentioned we can make a conclusion that legal modus legal specific intentional existence of the subject of the local level, namely of two levels: the level of citizen and the level of community that are the representatives of that group of the political life of society. These two levels of municipal rights, freedoms and responsibilities: collective and individual are distinguished within neo-institutionalism.

Public self-governing authority that is the institute of local self-government realises members of territorial community in group form. It is worth noting that this group (collective) is the primary implementation of municipal liberty and democracy. In the Constitution of Ukraine all the spectrum of municipal rights and freedoms in all specific differential system that we talked about above are fixed. Among included rights and freedoms we can also mention such as «right of territorial community on independent solving problems of local importance», «right to implement

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<sup>16</sup> Baymuratov M. O., Tanadzhi G. G. *Munitsipalni prava lyudini* // Konstitutsiyini prava, svobodi i obov'yazki lyudini i gromadyanina v Ukraini / Za red. akademika NAN Ukrainy Yu.S. Shemshuchenka. – K.: Vid-vo «Yuridichna dumka», 2008, s. 183-193.

municipal authority directly and through the bodies of local self-government», «right to conduct local referendum», «right to initiate establishing bodies of population self-organisation», «right of members of territorial community to initiate consideration of any question at local level in the rada according to the rights and the Constitution of Ukraine», “right to organise public attending”, “right to own, use and dispose of municipal property” etc. Generally, all the rights and freedoms are regulated and standardised by the laws of Ukraine (“About local self-government in Ukraine” from 21.05.1997, “About All-Ukrainian and local referendums” from 03.07.1991, “About the election of deputies of the Verkhovna Rada of Crimea, local radas and country and town chair” from 10.07.2010, “About bodies of population self-organisation” 11.07.2001, “About general meeting of citizens at the place of residence in Ukraine” 17.12.1993)<sup>17</sup> and the Constitution of Ukraine (28.06.1996 – first edition).

Individual municipal rights and freedoms as a group of rights, freedoms and responsibilities of municipal right consolidate themselves through legitimisation of the institute of local self-government within local democracy. Local self-government proper is a form where these rights as legal modus in their typological variation exist as a level of public authority in its functional and existential nature. Indirect character that is mediation that is realised, demonstrated and manifested through group form is the key feature of this group of rights and freedoms. Individual system of rights and freedoms is guaranteed, regulated and standardised by the same normative basis as a collective group and certainly by Constitution of Ukraine. In addition to this Statute of city territorial community where certain territorial community is its subject, is a normative and legal document that may become the source of guarantee of human rights and freedoms. We think that this form (individual) in spite of subject's primacy as a citizen in state is all the same at local level more evicted (derived) than primary that is group form. It doesn't mean that we level the role of individual subject because it is the “filling” of group but emphasise on specific character of local level. Therefore, we think that individual is a part of group, it opens a way and continues functional and existential human nature at different level and different form – in the group within its dimensional existence.

On investigating conceptual logistics of local scope basic categories we will try to analyse such notions as “local democracy”, “local self-government” and “legal modus” in correlative form, in such a way to construct the formula of their interaction and mutual determination in the system of human reality. In our opinion, we should use discursive approach within this analysis. In the light of this set of instruments, firstly, we will be able to see the mechanics of interactions of three components in theoretic formalisation schematic form and, secondly, we will be honoured to interpret our scientific view upon this phenomenon.

The principles of theory of political discourse were laid by the representatives of English philosophic school, in particular, in Cambridge and Oxford in the middle of XX c., that analysed linguistic context of public opinion in political life, its differential aspects. E. Laszlo's publication

<sup>17</sup> *Zakonodavcha baza Ukrainy*. – Rezhim dostupu: <http://zakon4.rada.gov.ua/laws> [20.10.2014].

“Philosophy, politics and society” which he started in 1956 was one of the first studies of political discourse.<sup>18</sup> In the 70s the notion “discourse” is widely used in the analysis of political processes, institutes and interactions between political actors. In the 80s the centre of semiotic researches that is connected with the analyses of political discourses appears. It is concentrated around T. van Dijk.<sup>19</sup> The researchers of the centre begin to pay attention not only to meaningful aspects but also to techniques and technology of political discourse analysis, its dynamic constituent. Since this moment we can talk about the establishment of independent methodological approach of political processes analyses and political phenomena. The representatives of this methodological school widely use the methods of semiotic analysis as well as rhetoric and literary criticism for the studying of political discourse. Here we should also mention key figures that cannot be missed. They are Ch. Piers and F. de Saussure, namely their philosophical<sup>20</sup> and linguistic<sup>21</sup> methods within semiotic analysis that are dominant in the contextual analysis of phenomena, events, solutions as well as in the political world. Extrapolation of the methods from philosophic and linguistic discourse to political is the fundamental criteria of our analysis. Certainly, investigation of any scientific phenomenon is carried out within certain approach, however, because of intensive development of scientific researches, we in discursive approach will make an allusion to certain method – “frames” that is expressed by intentionary idiomatic set of instruments in general contextual structure of the subject of research.

Human as a being in all the display of his incarnative “I” exists in spite of formalism within the boundaries that, on the one hand, confine him and, on the other hand, totally identify him in the widest abstraction. In particular, the thing is about reality that, in our opinion, identifies with two worlds, namely the sphere of nature and sphere of human specialisation, in fact, with civilised dimension<sup>22</sup>, that is the constituent that always strives for detach from nature into the world of humanised rules, ideals and standardised values. This matrix that keeps in itself dichotomy “in-finiteness-finiteness” through the form of human intelligible activity, constructs “narrower” but generally realised boundaries of its existence that identify themselves in specified forms of human “I” rather than immanent belonging to humankind. Thus, we can distinguish its “humanised” constituent – human reality without objecting P. Holbach’s thesis that “human is a work of nature, she lives in nature, obeys its rules, cannot free itself from the nature.”<sup>23</sup> (But nominally human keeps his plainness in the primary state – individual. By then researches of individual psychology haven’t developed categorical apparatus a kind of “individual” and “individuality”).

<sup>18</sup> Startya u Vikipediyi «*Ervin Laslo*». – Rezhim dostupu: [http://ru.wikipedia.org/wiki/Laslo,\\_Ervin](http://ru.wikipedia.org/wiki/Laslo,_Ervin) [20.10.2014].

<sup>19</sup> T. Van Deyk. *K opredeleniyu diskursa*. – Rezhim dostupu: [www.psyberlink.flogiston.ru/internet/bits/vandijk2.htm](http://www.psyberlink.flogiston.ru/internet/bits/vandijk2.htm) [20.10.2014].

<sup>20</sup> Pirs, Ch.S. *Nachala pragmatizma. Tom 2. Logicheskie osnovaniya teorii znakov* / Per. s angl. V. V. Kiryuschenko, M. V. Kolopotina, poslesl. Suhacheva V. Yu. – SPb.: Laboratoriya Metafizicheskikh Issledovaniy filosofskogo fakulteta SPbGU; Aleteyya, 2000. – 352 s.; Pirs, Ch.S. *Chto takoe znak?* // Vestnik Tomskogo Gosudarstvennogo Universiteta. Filosofiya. Sotsiologiya. Politologiya. – 2009. – Vol. 3(7).

<sup>21</sup> Sosyur F. de. *Kurs zagabnoyi lingvistiki*. – K.: Osnovi, 1998. – 324 s.

<sup>22</sup> Toynbi A. Dzh. *Postizhenie istorii: Sbornik* / Per. s angl. E. D. Zharkova. – M.: Rolf, 2001–640 s.

<sup>23</sup> Golbah P.-A. *Osnovny vseobshchey monali, ili Katehizis prirodny. // On zhe. Izbrannyye proizvedeniya v dveh tomah. T.2. M., 1963.*

Generally, we think that it will be appropriate to identify human reality and human political sphere as such. As an argument we should recall Pericles' words (orator and public political figure of Ancient Greece) that "if you do not take interest in politics, then politics will take interest of you."<sup>24</sup> This thesis is dialectically internally reversible that reverses externally subject's activity in correlation to object and vice versa in political work that keeps in itself all the displays of human "I". Interaction with a human in our time is an object of influence in social relations and also through the state regulation mechanism of organising public life. Politics is a sphere that has contacts with everything that is human. Consequently, we think that this identification is scientifically authentic and we will use it as a point to make a start from.

There are a lot of political regimes and systems of ways to organise political life in the human history but in the end of XX c. the democracy itself "proved" and became that form that was recognised as the most suitable for human existence. Thus, we observe a tendency in the time of globalisation that eludes democratic principles on a level with universal, synonymise them in some cases. So human reality can completely correspond to democratic way of organising life in practice but because of scientific discussions and debates we will add that this view is totally directed by the principle of "mezotes"<sup>25</sup> where holistically golden mean is more valuable than rims but does not forget about them.

We approached to the thesis that democracy is a form or matrix that dictates, determines and demonstrates in practice aspect of human striving in compromissary variant. We also noted that democracy as a system has four levels of its display where the last link is local gradational level that is the sphere of our scientific research in the article. We also mentioned that democracy in these frames is a general form and determining filling or content of development of intentionary idiomatic will in differentiated group manifestations – group or individual. Now we will try to find correlative place in this scope regarding the categories of "local scope" and "legal modus" that determining in it develop its own functional existential life. Thus, we will also make an attempt to formalise basic categories of scientifically objectively and adequately.

Institutional and non-institutional displays of human activity exist within local democratic scope. Local self-government is the realisation of that form that determines by fillings and specifically in this context by democratic principles of organising localised type of community life. In this context, we think that we should also mention the criteria of "height" of local self-government institute. We know from the history, in particular, Soviet experience that the existence of such institutional form of manifestation on governance, can be formal model in practice although in theory was "the right of territorial community...on independent solving the questions of local level."<sup>26</sup> We think that group – collective and individual – level of political and legal culture is

<sup>24</sup> *Perikl.* – Rezhim dostupu: [www.afor.ru/by\\_author.php?aut\\_id=547](http://www.afor.ru/by_author.php?aut_id=547) [20.10.2014].

<sup>25</sup> Aristotel. *Metafizik. Politika. Chitanka z Istoriji filozofiji: v 6-ti kn. – Kn. 1. Filozofija starodavnogo svitu* / Pid red. G. I. Volinki // Ukrayinskiy pedagogichnij universitet im. M. P. Dragomanova, Kafedra filozofiji. – K.: Dovira, 1992. – 207 s.

<sup>26</sup> *Konstitutsiya (Osnovnij Zakon) Ukrayinskoyi Radyanskoyi Sotsialistichnoyi Respubliki vid 20.04.1978. Rozdil IV. Radi narodnih deputativ Ukrayini i poryadok yih obrannya. Glava 9.* – Rezhim dostupu: <http://zakon4.rada.gov.ua/laws/show/888-09> [20.10.2014].

an indicator that influences upon the character of “height” of local self-government institute. Knowledge that has active citizen and on the whole it is a system of legal norms that guarantees and protects his rights and freedoms and consolidates certain responsibilities: political culture with the help of which an individual can orient oneself in the need of some politician, his election will be considered grounded not on the level emotional perception or category “mine-yours” but on the appropriateness of representing individual’s (group) interests, individual himself will take part in the thing of local level not on the principle of representation but on realised direct will every time when the problem appears; high moral valuation of person’s character when he is being controlled more by humanistic and anthropological values than by utilitarian, power or normative.<sup>27</sup> Thus, local self-government is a dynamic institutional form of realisation of public and state interest by territorial community on the basis of fundamental principles of organisation and basis of local democracy that is limited in space, and is determined by its own principles of solidarity and complementarity, its criteria of growth is political and legal culture and serves as a mechanism of legitimating political regime within these local functional existential boundaries.

Legal modus within local democratic scope is displayed through two groups such as: collective as a primary subject of realising municipal rights and freedoms and individual as an indirect member of municipal community. Legal modus is a positive specific intentional existence of the subject of the local level. The latter through the forms – institutional and non-institutional – put it into practice. Thus, local self-government is an institutional legal status as a system of differential typological legal moduses.

We think that the question about the dynamism of local scope as a local democracy and what determines it that is the primary engine is especially interesting. We think that this question is of dialectical character where two systems interact: “general” and “specific” that is: the first is the scope where institutional forms of legal muduses as a whole (we should not forget about non-institutional forms) that is local democracy that dictates conditions that were accepted by humankind and are accepted a priori by the subject proper; the second is the primary group as a collective or indirect member of territorial community or element (individual) that gives tone from the bottom, being the representative of specific legal moduses. In this system self-denial takes place: thesis changes into anti-thesis but never levels – a new thing as a legal behaviour is constructed – synthesis. Generally we think that dynamics of space is directly proportional to the dynamics of specifically intentionary and idiomatic manifestation and demonstration in the form territorial community subject – collective.

One of the article tasks became to find the formula that would correlate these three notions. The idea of this formalised representation extrapolates from prominent politologist H. Lasswell. He in his work “Power and Personality”<sup>28</sup> deduces the formula of political individuality.

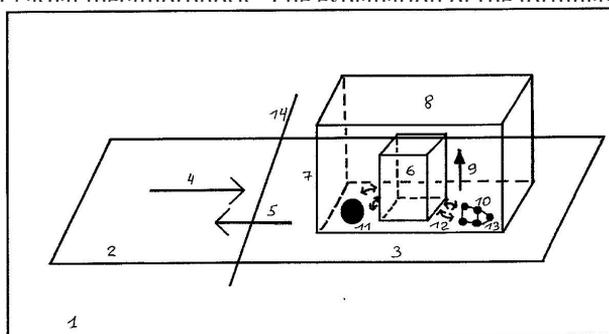
<sup>27</sup> Amitai Etzioni. *Starya «Novoe zolotoe pravilo. Soobshchestvo i munitsipalnost v demokraticeskom obshchestve.»* – Rezhim dostupu : [www.iir-mp.narod.ru/books/inozemcev/page\\_1309.html](http://www.iir-mp.narod.ru/books/inozemcev/page_1309.html) [20.10.2014.].

<sup>28</sup> Lasswell H.D. *Power and Personality*, Wesiport, Conn, 1948, p. 223.

Our formula which we called "Correlate of local environment", is as follows:

$$1 - G \times ("D" \} "S" \} "M") / ("M" \} "S" \} "D") \times I = K,$$

We depicted this formula graphically, where D is development of local democracy, S is a state of local self-government institutionally, M is the degree of developing differentiation and grouping of legal moduses, G is the degree of municipal rights and freedoms, I is the degree of individual municipal rights and freedoms realisation, 1 – ideal index of local environment development, K – correlate of local environment, x, – mathematical operation, } – determined transformation or casual metamorphosis. The explanation of the formula: depending on the idiomatic intensity of the process conveyed – collective in correlation to Weber's ideal type of self-government correspondence to M.



**Fig. 1.** Schematically

(made by the authors themselves)

Notes:

- |  |   |
|--|---|
| 1. General reality.                            | 9. The criteria of "height" of local self-government institute.                                     |
| 2. Sphere of nature.                           | 10. Individual group type of municipal rights and freedoms.   |
| 3. Sphere of human activity.                   | 11. Collective group type of municipal rights and freedoms.   |
| 4. The process of socialisation of a human.    | 12. Reversible cyclic mechanisms of institutionalisation of legal moduses.                          |
| 5. Objective process of turning to the nature. | 13. Internal communication relations in the individual group legal modus.                           |
| 6. Institute of local self-government.         | 14. The relative division of the reality into the sphere of nature and the sphere of human reality. |
| 7. The limits of local democracy.              |   |
| 8. Local environment.                          |   |

So, the notions «local democracy», «local self-government» and «legal modus» are within local environment in the complex mutual determined relations. According to the research we made an attempt to formalise the correlation of basic categories of local scope as well as to reflect schematically this interaction.

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