

THE PRINCIPLE OF STATE SOVEREIGNTY IN TERMS OF GLOBALIZATION PROCESSES

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Principles of every political system as the essential political and legal directions define the main traits in political system, its gist and content, forms of government and politic, basic aspects of legal regulations for relevant social relations, and also the order for political, social and economic system functioning, simultaneously, they are the major concepts for their organization and operation. The above stipulates the necessity to analyse main principles of a political system, which are inherent to all or the majority of its institutions. One of such principles is the principle of state sovereignty and independence.

Keywords: sovereignty, globalization processes, independence

During last years in the jurisprudence, particular meaning was given to the issues of state sovereignty theory and practice. It is connected to the development of integration processes in the second half of the XX century, which involved not only economical but political sphere. Academic publications examine the legal nature of a state, social and national sovereignty. These concepts are closely interconnected and function in a single system.

In the law doctrine there is no unity in the determination of such a category as «sovereignty». The implemented analysis distinguishes following approaches: «sovereignty as one of the obligatory, integral sign of a state» [1, p. 57; 2, p. 120; 3, p. 31; 4, p. 10; 5, p. 58]; «sovereignty as a specifically defined principle of a social and political life» [6, p. 14; 7, p. 463]; «sovereignty as a supremacy of government in solving internal and external political issues» [8, pp. 68–69; 9, p. 130]; «sovereignty as a government monopoly to use a state authority in the sphere of its jurisdiction» [10, p. 304]; «sovereignty as a statehood» [11, p. 9, 71]; «sovereignty as a political and legal state characteristic» [12, p. 17]; «sovereignty as a limited authority» [13, p. 222]; «sovereignty as a social and political function of a mono- and poly-ethnic states» [14, p. 990] etc.

The above allows to assume that during the nowadays stage of development of Ukraine as a sovereign, legal, democratic state, it is important not to make mistakes in the exposition of sovereignty, since in the theoretical sphere there are plenty of approaches to the definition of the term «sovereignty» in the context of different concepts: «absolute sovereignty», «multitude of sovereignty subjects», «partitioned sovereignty» etc. Exactly therefore, a correct and scientific interpretation of the term «state sovereignty» content and the definition of its correlations with the other related concepts are particularly important.

In spite of their actuality, state sovereignty problems stay among poorly examined issues in the modern jurisprudence. This range

of problems is also bringing up to date in the context when Ukraine integrates to the world community and there is a necessity to ensure the state sovereignty in the conditions of social and economic globalization. There is a need to emphasize that in the conditions of globalization, theoretical constructions are substantiated and they defines the necessity of an essential limitation of government feasibility both in internal sphere and in particular beyond its borders and suitability of state sovereignty limitation [15, p. 24; 16; 17].

On the assumption of the above, not the half of aspects of this issue can be considered as a confined. Worldwide processes of globalization, the ingress of Ukraine into a lot of international association, forming of the transnational corporations, creation of interstate communities, activation of interstate governmental and non-governmental organizations and institutions activity which needs new approaches towards the analysis of sovereignty concept.

A question about choosing the state development strategy has fundamental meaning, since in the conditions of globalization are the matter of keeping the state sovereignty. The assertion of national interests, own fundamental positions in foreign affairs and keeping the sovereignty demand nowadays essential efforts from the government [18, p. 112]. In this context there are following issues: imbalance among state authority bodies; incompleteness of political, administrative, territorial reforms; strengthening of legal nihilism; lack of coordination between the economical solutions which are important taking into account national interests and which badly influence upon the economic, including power security of the state.

Also, it is very important to examine that mechanism of providing the state sovereignty as a complex system which includes mechanisms, procedures and principles with the help of which the supremacy and independence of the governmental authorities is ensured. In this context, especially actual is the analysis of

state sovereignty problem as a basic principle of a political system.

In spite of some distinctions in the understanding of state sovereignty essence by scientists, it is possible to single out such general signs as dominance and supremacy of the government on its territory; state independence in foreign affairs; unity in state sovereignty (state authority). There is a need to note, that sovereignty is an integral characteristic of the state and is practically realized in specific legal forms.

Juridical content of the state sovereignty is defined by the present domestic theory.

While synthesizing the implemented analysis results, it should be noted, that the state sovereignty is characterized by the following clauses:

1. The state sovereignty is a historically stipulated political and legal sign of the government, which manifests itself in its independence during the realization of both external and internal functions. In the course of liberal political and legal ideas genesis, the absolutist concept of a sovereignty underwent the changes in two directions: «the change of subjects», «the sovereignty limitation». The first direction in forming the idea of the limitation in the ultimate state authority essence is connected to the change of sovereignty power subject. The main idea of these revolutionary by their nature views was the shift of sovereignty to such a subject of the political system as people. Consequently, the idea of the state sovereignty in its absolutist interpretation transforms into the doctrine about the people's sovereignty. The second development direction of the idea about the limitation in the ultimate sovereignty is connected to the formation of the «checks and balances» concept, within the scope of which different mechanisms of state authority control and demarcation of authoritative permissions were modelled.

2. There is a need to preserve the terminological purity of the «sovereignty» notion in science and practice of its usage for describing the supreme authority of the government, as far as the usage of this term in another meaning (economical, political, financial, legislative sovereignty etc.) leads to its bleeding, devaluation and loss of the political and legal value of this category.

3. The state sovereignty should be guaranteed and protected, this fact detects the necessity to have a special mechanism of its guaranteeing and protection, which should be considered as a complex system of measures, procedures and principles, with the help of which the supremacy and independence of the state authority is guaranteed. Legal measures of the state sovereignty guaranteeing are juridical

instruments (structural-functional institutions and technologies) which help to guarantee and support the supremacy of the state authority, state independence and individuality.

4. Under present-day conditions, the state sovereignty in its foreign-policy aspect is limited by the system of international legal relations, and in its domestic policy it is restricted by the democratic right of people to be the only source of the state authority. The realities of the modern geopolitical situation define the duality of the position of Ukraine in the world arena. This situation is stipulated on the one hand by the objective necessity to integrate to the worldwide processes, and on the other hand – by the need to preserve and guarantee the state sovereignty. The state doesn't lose its sovereignty in terms of the modern globalization processes. There is need to note, that new realities of the world politics undoubtedly have an influence upon the geopolitical processes both international and regional. Geopolitics as a mean to achieve national interests is one of the most important constituents during the guaranteeing the state sovereignty in terms of the world globalization. The strategy of the state development in terms of globalization is the necessity to consolidate the statehood.

The problem lies in the absence of precise strategic priorities, which would be able to take into account the reasonable combination of participation of Ukraine in the international processes, on the one hand, and the ensuring of the state interests on the other hand [21, p. 134]. In terms of globalization processes, there is an extension of the significance of the questions connected to the guaranteeing and ensuring of the external state sovereignty, which is a quintessence of the social and economic, political and legal interests defended by the state in the world arena. The above confirms the need to work out a long-term strategy for the development of Ukraine as a sovereign state in a globalized world.

5. The presence of such a peculiarity as a sovereignty is a base for the emergence of the sovereign rights, through which it is juridically implemented.

Thereby, the state sovereignty is a historically stipulated, defining and integral political and legal sign of the state, which manifests its supremacy in the frames of its territory and independence in foreign affairs. The activity of every state, including Ukraine, is determined by the real inner and outer conditions; economical, political and social environment; the level of society development; international differentiation of labour and other factors. The sovereignty is an integral characteristic of the state and is practically realized in specific legal forms. Thereby, the principle of sovereign-

ty, independence of the state is its immanent characteristic, defining and integral sign of the supremacy of its power inside of the state and independence in foreign affairs.

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