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SIGNIFICANT VALUE OF THE „STATE" IN THE SOCIAL POLITICAL SYSTEM

Oleg PANTEA[1]

Abstract:

In this paper, we emphasized the special value of the state in the political system development of the society. Initially it was defined the concept of social political system, structure element and categorized organizations / bodies participating in the political life of society. Then they were reflected assumptions that determine the place and role of the state in developing social- political system, the causal link between these assumptions and not least was approached the state through the social unity and national sovereignty.

Keywords:

social political system; state; social phenomenon; state organs; political organization; social unity; civil society; state sovereignty; determinative factor; legal-normative act; the state apparatus.

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Introduction

The state has always been and will remain a constant concern of social humanist scientists. Many jurists, philosophers, political scientists, sociologists have tried to clarify the meanings of this term and to determine its content. First, the state is a politico-legal institution. The state is a political institution with the highest level of organization and structure. It is the political organization of society, which refers to a defined territory and which despite the realization of its functions, sets up and organizes a system of complex institutions. Exactly from this angle, we highlighted the number of determinants in order to answer the question: *"which is the place and role of the state in the development of the socio-political system ?"*.

The content

The socio-political system consists of a "group of state bodies, institutions, political parties, public organizations, which participate in the political life in one or another state." In legal doctrine, all these bodies appear in the hypostasis of structural elements of the socio-political system. In the Republic of Moldova the structural elements are: the President, the Parliament, the Government, the local public authorities, the political parties, the public organizations and other institutions. Inside of each system, there are three distinct types of institutions participating in the socio-political life:

a) the political state institutions - which have in their center - the state, the largest and the oldest institution of society and despite the type of the exercised power, are divided into: executive institution, legislative institution, institution of the head of the state;

b) the extrastate political institutions - which includes political parties, political movements. These institutions have to exert an active influence on politics, on different social groups, on political power and on society as a whole;

c) the non-political institutions - which include public organizations, trade unions, are created and operate under a social group of interests referring to certain activities: tourist associations, farmers, veterans and pensioners, etc. The political system can wear different clothes when exercising an influence in one way or another on the politics, namely in taking decisions, which refers to their field of activity. The most important and effective institution, exercising the political power was and remains the state. It is also the first political institution structured, organized and institutionalized in detention, exercising and legitimating the political power. This made that very often, the state is identified as a political power, and this

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one had been defined by the state, as a state power. In both cases, we are dealing not only with an overlap of terms, but with a lack of rigor, identification of content and meaning. The state is not confined just to power, the political power isn't exercised only by a group or a social class of power, but it also involves social forces which give a political opposition.

Starting from the idea that the state is a "socio-political organization", we distinguish its significant place and role in the development of the socio-political system, argued by the following sentences:

1. The state ensures social unity. In the 10th paragraph, of the Constitution is established "State foundation is the unity of the Republic of Moldova. Moldova is the common and indivisible homeland of all its citizens" [1]. This provision is proclaimed as the foundation of the unity of the state, because the population is one of the fundamental components of the state in general. The people are a whole population. With reference to the concept of unity, the cohesion has a sense of historical, ethnic, religious, linguistic, cultural, invoice, which involves psychosocial traits that are imprinted in the consciousness of the nation. The idea of unity is correlated with the idea of solidarity, representing a link between all the members of the community, beyond the inherent differences in a pluralistic society. The unity of the Republic of Moldova means first of all responsibility and common interests.

Here we should give justice to the Romanian author, Momcilo Luburici, which claims: "The state is not merely a gathering of people who have expressed their desire to be members of the same organization of state, but the result of a complex historical process, which resulted with the building of a new social organization" [8, p.124]. The unity of the nation represents an integral and valuable unity based on social solidarity.

2. The state guarantees to its society its supreme values: the human rights and freedoms, the justice, the political pluralism. The values are the qualities of people to acquire certain human elements of reality. The value expresses the appreciation given by people, by a human collectivity to some objects, processes, events, actions, etc. Therefore, the value can be defined as "the social relationship expressing the appreciation given for some things, qualities, processes, actions by a human community, despite the correspondence with social needs and ideals generated by those" [3, p. 213]. In terms of nature, the values can be different: legal (justice, responsibility), political (freedom, democracy), moral (humanity, respect), religious (holy, Gods), scientific (objectivity, truth), philosophical (ideal, wisdom).

3. The state as a structural element of the political system has a special device made up of all bodies, institutions of different levels, which as

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a whole, realizes the purpose, the duties and the functions of the state of law, linked together by common principles of organization and functioning – state (mechanism). At the core of the organization, functioning of the state apparatus are objective and subjective factors. These factors determine the most important features of the structure, nature, form and method of the work of the state apparatus and contribute to the unification of its component parts into a system. In this regard, we note that the state apparatus should not be conceived as a technical union of parts, but as a *single*, well-organized and structured state apparatus. Among the factors that determine the organization and functioning of the state apparatus, we mention the following: common principles of organization and functioning of state bodies, common goals and tasks put before state bodies [4, p. 41].

4. The State is the political organization that has a legal viable mechanism of control of all branches of national economy; it has the monopoly over the constraining forces, on the elaboration and application of the law. The main activity of the state bodies takes the form of individual or normative legal acts. However, the state knows other forms of expression, such as political acts or direct measures of the state. The state is a political tool, an exercising organization of the society's management, which has coercive means that you can use when needed. And the right is a necessary tool, for existence, consecration and development of the state through a system of mandatory rules for ordering and orientation of their conduct, for keeping the legal order. The right appears as an instrument of the state that regulates the social relations. Legal norms, which make up the state structure, are: the Constitution, the organic laws, the ordinary laws, the bylaws, the regulations of the local government. Their elaboration represents the state monopoly. Nonetheless, to fulfill the role and purpose of the law, the state ensures the implementation of legal norms in society through a complex process called the *realization of the right*: through respect and execution - by citizens and application - by state bodies invested by law with such powers.

5. The State Sovereignty - the *supremacy* of state power within the country and independence from other states. As noted, it highlights two interrelated sides: the first is the supremacy and the second is the independence. This feature has been contested and becomes an element of dispute more frequently under the conditions of federalization of the Europe. Also, we can note that between the state and other organizations and between the state and citizens are established some relationships which are characterized as an organization of political power. Such ratios are expressed by the sovereignty of the state power. The Sovereignty is like a key feature of the state, of the public power, which requires that public power

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should possess the authority over a particular territory and over the population living on this territory.

The art. 2 of the Constitution is entitled "The Sovereignty and the state power" [1]. The essence of this article is to define and establish first, the people like holder of legitimate authority to whom belongs the national sovereignty. Secondly, it refers to the state machine that has the ability to issue rules, to ensure their implementation and to subject anyone to the nation's will, that it represents and the mandate under which it acts. Also, the state apparatus embodies the power of the state directly. The power appears in many forms. It can be political or nonpolitical, governmental or nongovernmental etc. In all cases, the power presupposes the presence of at least two individuals, it concerns the determination and the consolidation of some values established in the system: moral, religious, political, legal, values etc. In a society, there are many kinds of power: the power of political parties, the power of socio-political organizations, etc. However, the state power is the most authoritative.

Conclusions

The enunciation of the above features gives us one more time the certainty that *the state as the place and role is a political institution of the highest importance in social life*. Through its specific organization, the purpose for which it occurred, the state is the main institution of the political system, which gives shape and coexistence to the state. A community of people cannot exist and function without a secured political organization through the state. The state is a political organization holding the monopoly of coercive force, of creation and realization of the law, which exercises the sovereign power over a human community across a territory bounded by borders.

Bibliography

[1]. Constituția Republicii Moldova, adoptată la 29.07.1994, cu modificările şi completările la 29.06.2006. În vigoare la 27.08.1994. În: Monitorul Oficial al Republicii Moldova nr. 001 din 18.08.1994.

[2]. Negru B., Osmochescu N., Smochină A., Gurin C. et al. Constituția Republicii Moldova. Comentariu. Chişinău: ARC, 2012. 576 p.

[3]. Stroe C. Compendiu de filosofia dreptului. Bucureşti: Lumina Lex, 1999. 239 p.

[4]. Pantea O. Teoria generală a statului şi dreptului. Chişinău: Imona Grup, 2014. 172 p.

Pantea, O. (2016). Significant value of the „state" in the social political system. Jurnalul de Studii Juridice, Year XI, No. 1-2, June 2016, 143-148.

[5]. Baltag D., Guţu A. Teoria generală a dreptului. Curs teoretic. Chişinău: Reclama, 2002. 335 p.
[6]. Negru A., Zaharia V. Teoria generală a dreptului şi statului în definiţii şi scheme. Note de curs. Chişinău: Bons Offices, 2009. 200 p.
[7]. Suciu I. Unitatea poporului român: contribuţii istorice Bănăţene. Timişoara: Facla, 1980. 187 p.
[8]. Luburici M. Teoria generală a dreptului. Bucureşti: Oscar Print, 2005. 212 p.
[9]. Dunleavy P. O'Leary Br. Teoriile statului. Trad. din engl. de Săndulescu V. Chişinău: Epigraf, 2002. 342 p.
[10]. http://biblioteca-digitala-online.blogspot.md/2013/01/conceptul-statului-esenta-si.html (văzut la 06.12.2015).

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