

The cover features a futuristic cityscape with a prominent glass capsule in the foreground. The capsule has a white top with a red stripe and a black section containing a white arrow and the text 'Urs3'. The background is a dense urban landscape with a river. The top half of the cover is overlaid with a geometric pattern of overlapping triangles in shades of blue, purple, and teal. The title 'REVISTA INCLUSIONES' is printed in large, bold, white capital letters across the center of the image.

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PROSPECTS FOR THE PARTICIPATION OF CIVIL SOCIETY IN THE DEFENSE OF THE STATE

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Abstract

The article discusses the prospects for the participation of civil society in the protection of the state and state interests. The legal foundations of such participation, its practice and the problems of formation and implementation in the Russian Federation and foreign countries are analyzed. The important role of the person's active life position and his desire to participate in the affairs of society and the state for these legal relations is noted. The analysis of modern threats and dangers of national security and state interests of Russia and other countries is carried out. The interrelation of state, public interests and interests of the individual and the interdependence of the security of the individual, society and the state are revealed. The recognition that ensuring personal security can be considered a general legal principle imposes obligations, first of all, on state bodies, not only to observe the rights and freedoms of a person and a citizen in a passive form, which means abstinence from violations of rights and freedoms, but to take active actions that contribute to ensuring personal security.

Keywords

Civil society – Participation – Protection – National security – Threat

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In accordance with Art. 25 of the International Covenant on Civil and Political Rights of 1966 citizens for exercising the right to participate in the management of state affairs may take part in the conduct of public affairs, either directly or through freely chosen representatives, to vote or to be elected in genuine periodic elections held on the basis of universal and equal suffrage by secret ballot, ensuring free expression of will voters allowed in their country on general terms of equality to public service. An indispensable condition for the implementation of this right is an active life position of a person, his desire to participate in the affairs of society and the state.

In Military Doctrine of the Russian Federation 2014 the unification of the efforts of the state, society and the individual to protect the Russian Federation was set as one of the main tasks in containing and preventing military conflicts. The mechanism of such a combination of efforts, based not only on the implementation of parts 2 and 3, but also 1 of Art.59 of the Constitution of the Russian Federation, according to which the defense of the Fatherland is the duty and duty of citizens, as well as Art. 32 establishes the right to participate in the management of state affairs. This right has not been regulated in details, but it's a priority for the development of Russian statehood.

The absence of fundamental provisions for improving legislation ensuring the unity of efforts of individuals, society and the state to protect the state from external threats creates the spread and intensification of dangers, which in modern conditions jeopardize the sovereignty and even existence of the state, peace and security of citizens, which is especially significant in conditions gradual "ousting" of the national state from the sphere of human rights.

The implementation of various forms of citizen participation in ensuring the country's defense and state security is especially relevant under the conditions noted in paragraph 11 of the Military Doctrine of the Russian Federation, according to which there has been a tendency to shift military dangers and threats into the information space and internal sphere of the Russian Federation. Moreover, an analysis of the main internal military dangers allows us to conclude that the problems of protecting the constitutional order, stabilizing the domestic political and social situation in the country, countering terrorism, extremism and the information impact on the population, especially on young citizens of the country, which are aimed at undermining, are especially acute historical, spiritual and patriotic traditions.

According to R.A. Bocharov, modern society itself, by virtue of its nature and the tendencies acting in it, creates and maintains the field of extremism and constantly provokes its manifestations. At the same time, youth political extremism and patriotism have the same roots – devotion and attachment to their social community (ethnic, social, etc.), but then, depending on how this devotion is perceived and realized in specific actions, two systems are distinguished socio-political attitudes, which completely differently determine the nature of relations between people as representatives of different communities. In one case, they are built on the basis of mutual respect and equality, in the other they are determined by the phenomenon of confrontation, hostility, and the desire for superiority¹.

¹ R. A. Bocharov, "Youth extremism in the categorical field of political science", Science and Education: Economics and Economics; entrepreneurship; law and management Vol: 12 num 55 (2014): 92-99.

According to the researchers, civil society can and should participate, personally or within associations, in the establishment and development of the national security field and the discussion on resolving its pressing problems by creating an appropriate automated information resource on the new concept of this institution with the aim of educating citizens and facilitating the discussion of emerging issues based on pluralism of opinions; giving independent expert opinions on the nature of the government's policy, explaining key aspects of the budget process, security policy, international cooperation, choosing for citizens so that they can make an informed decision based on an analysis of all possible alternatives, etc.; conducting analytical, research and informational work in the field of the new concept of national security, regardless of the government and official sources as food for thought of the public; protect and respect the rule of law and human rights in the field of national security².

It should be noted that foreign practice has positive experience in the legal regulation of e-democracy institutions, contributing not only to the implementation of their true mission, but also to the stability of the constitutional system and the legitimacy of state power. For example, Canada's e-government³ intensively uses tools to ensure a high percentage of electronic participation, including 100% feedback mechanisms, the presence of discourse, the creation of a "community", conducting surveys and raising problematic issues to engage citizens in dialogue with government agencies. The established feedback creates the prerequisites for civilian control over the activities of state-power structures and simplify the procedures for citizens to obtain the necessary and significant information. Internet technologies of Canada's e-government make it possible to maintain round-the-clock communication with representatives of the target political audience, and provide two-way communication between a politician and a potential voter, political force and its supporters. The electronic government of Canada makes possible the emergence of new effective mechanisms of public, including political mobilization of citizens. Information management in Canada is a vehicle and one of the most effective ways to put government policy decisions into practice. Management of state information in Russia needs to develop a strategy and the consistent implementation of its components with constant monitoring. Canada's information policy is being actively developed through the government's constant question: are innovations and new technologies working? In the event of failure or dissatisfaction of the population, the Canadian government is not afraid to curtail initiatives and return to the old order. For this reason, Canada uses multi-channel access. Along with the development of the infrastructure of a single information and telecommunication space, the unification of information and telecommunication technologies that ensure the creation of information, its distribution and use, the Canadian government does not forget about traditional types of media, libraries, archives and personal consultations. The government structures of Canada clearly realize that the effectiveness of state information policy will be quite high only if it is systematic, integrated, and if the principle of openness of power structures, their focus on harmonizing the interests of citizens and the state is respected⁴.

Foreign practice also knows other examples of using the opportunities of citizens' activity on the Internet in the interests of ensuring national security. As you know, in order

² T. V. Verbitskaya, "On the issue of public participation in ensuring national security", Theory and practice of social development Vol: 1 (2015) 66-68.

³ Government of Canada. Available at: <https://www.canada.ca/en.html>

⁴ T. A. Trizno, E-government as a tool for the implementation of the state information policy of Canada: dis. ... cand. of politic sciences (Astrakhan, 2014).

to replenish their ranks, extremists seek using information and manipulative techniques to make their own image as attractive as possible for current and future inhabitants of cyberspace. Their task is to purposefully enhance the emotional resonance of the event, arousing anxiety and fear. The image of a terrorist and an extremist necessary for the customer as a fighter for the freedom of his people, an avenger for the death of a loving father's family at the hands of the federal government, an "ideological" freedom fighter, etc. is created⁵. In the UK, Internet users who discover material that they believe is capable of inciting hatred or any other material with illegal content can report it to the non-governmental organization Internet Watch Foundation⁶.

Since the defense of the Fatherland is not only a duty, but also a citizen's trust, and this is the only constitutional norm containing the concept of duty, assuming voluntary obligations, appropriate motivation, a moral principle, awareness of the obligation to the Fatherland, combined with feelings of gratitude and responsibility, talk about the functions of civil society in the field of security. Moreover, since civil society is nevertheless more autonomous from the state, a citizen, being part of it, has a direct relationship with the state based on mutual rights and obligations, which manifest its special role in ensuring the country's defense and state security.

In our opinion, new forms of organization of democracy, whether they are genuine or artificially formed, will take place under the conditions of the constitutional system of the Russian Federation. We agree with the point of view that democracy is not just the basis of the constitutional system, it is its essence. Legislation restricting democracy in its various manifestations will not be able to take into account trends in the development of social relations, the peculiarity of which is their dynamics and the constant expansion of the subject of legal regulation. Therefore, legislative regulation and the creation of conditions for the implementation of citizen participation in socially significant and of state interest activities on the part of the state and its legitimate bodies are not only expedient, but vital.

Thus, in order to ensure dialogue between society and the state, openness of citizen participation in the legislative process and the realization of other important interests of the individual, society and the state, it is advisable to develop social control. The above measures will contribute to the transparency of social political activities, the speedy widespread use of public initiative, as well as the need to improve the quality of lawmaking at all levels and to combine the efforts of the state, society and the individual in resolving issues of national interest.

Based on the interdependence of the level of security for each of the elements of the triad "personality, society, state", the observance of human and civil rights and freedoms consists in constructing the activities of authorized state bodies on the basis of the provisions, such as:

1) since the occurrence of threats to the security of the state is caused by the presence of conflicts in any sphere of public relations, the search for sources of threats and dangers of national security should be carried out in threats to the security of individuals, which can be expressed in massive violations of human and civil rights and

⁵ N. S. Sedykh y R. E. Gshiyants, "A graphical model of the social representations of terrorism", National Security. Nota bene Vol: 5 num 34 (2014): 712-724.

⁶ Internet Watch Foundation. Available at: <https://www.iwf.org.uk/>

freedoms⁷, offenses (as massive (both new), legal nihilism, political absenteeism, manifestations of the will of voters “with changing preferences”, etc. Identification of these problems occurs not only in the process of limiting the rights and freedoms of man and citizen in order to protect the foundations of the constitutional order, ensure the country's defense and security state, but first of all, to establish the grounds for the necessity and expediency of introducing such restrictions and taking other measures in order to protect the foundations of the constitutional system, ensure the country's defense and state security. This provision follows from constitutional norms that a person, his rights and freedoms are the highest value, the bearer of sovereignty in the Russian Federation is its multinational people (Article 2 of the Constitution of the Russian Federation);

2) ensuring the security of the state is directly related to activities to ensure the security of the individual. By creating the conditions for the realization of the rights and freedoms of man and citizen, state bodies, in essence, ensure state security by eliminating the causes of threats and dangers of state security or preventing their occurrence. Therefore, the security of the individual is an integral part of the rule of law, and the rights of the individual are also a means of achieving the interests of society and the state⁸. It is known that poverty among the general population, lack of labor guarantees, mass unemployment, social exclusion, insecurity of labor migrants, inattention to the problems of motherhood, fatherhood and childhood, the elderly, etc. are “combustible material” for all kinds of “color” revolutions, including “orange”, “revolution of roses”, “Maidan”, “brown”, etc. And vice versa, a strong social policy of the state, which has simultaneously become a large-scale social technology, creates the foundations of social security, social progress, and helps to protect states and peoples from mass upheavals, bloodshed and violence⁹;

3) the protection of the rights and freedoms of man and citizen contributes to the prevention and suppression of threats and dangers of state security. As the researchers note, the modern development of democratic states, to which the Russian Federation belongs, is directly determined by the place of non-governmental organizations in the political and legal system of the state. In this regard, the legislative framework governing the foundations of the functioning of non-governmental organizations is the key mechanism for the influence of public authority on society in modern Russia.

Some academics believe that, unlike the states of Western Europe and the USA, which have a certain well-established experience in the formation of democratic values and institutions, in Russia the development of non-governmental organizations is only at the beginning of its path¹⁰.

Taking into account that effective human rights mechanisms contribute to the protection of the interests of the individual, we consider it expedient to regulate the activities of non-governmental organizations legislatively, which would not only help prevent and suppress activities that run counter to security interests, but also ensure the formation of a subject, institution of civil society, capable of to ensure the identification of

⁷ Yu. G. Fedotova, “Massive and gross violations of human and civil rights and freedoms: theoretical and practical problems”, *Modern Law* Vol: 6 (2013): 39-46.

⁸ Yu. G. Fedotova, “Personal security as an element of the constitutional security of the Russian Federation”, *Advocate practice* Vol: 4 (2014): 57-62.

⁹ S. A. Glotov y A. A. Khodusov, “European Social Charter for Russia: is it possible to implement high standards?”, *Business security* Vol: 3 (2014): 20-29.

¹⁰ E. V. Matveeva y A. A. Levin, “Non-governmental organizations in modern Russia: on the issue of political and legal transformation”, *State power and local self-government* Vol: 9 (2014): 38-42.

personal security problems, the implementation and protection of the rights and freedoms of man and citizen. In this case, an important place in this process is occupied by public control institutions that carry out important social functions, in particular, the provision of free legal assistance.

Often they can become a kind of connecting link, a mediator in the exchange of positions not only between the individual and the state, but also between the individual, the state and public associations, other organizations.

Thus, ensuring state security, state bodies ensure the security of the individual, and vice versa. Understanding this relationship allows us to expand our understanding of the acceptable forms and means of exercising the powers of state bodies and increase the effectiveness of activities to ensure national defense and state security.

The recognition that ensuring personal security can be considered a general legal principle imposes obligations, first of all, on state bodies, not only to observe the rights and freedoms of a person and a citizen in a passive form, which means abstinence from violations of rights and freedoms, but to take active acts that contribute to ensuring personal security.

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