

LEGAL REGULATION OF STATE – SOCIETY PARTNERSHIPElena A. Shapkina¹

Abstract: The importance of the present paper lies in ensuring guarantees of domestic stability and stepwise development of the country, a crucial role in which belongs to the ability of law to effectively respond to external and internal challenges through stimulating evolvement of positive processes in social and political and social and economic life and protecting society from the impact of negative factors. State and society partnership is a newly appeared phenomenon in the system of social relations, which began to exponentially develop under the influence of technological (digital) revolution; it is related to gradually blurring the boundaries between public and private spheres, and establishing the whole new relations of partnership between state and society. Hence, this paper is aimed at identifying and revealing the legal nature of partnership (subject-subject) relationship between state and society in the present-day conditions, and developing theoretical

and methodological approaches and practical opportunities for setting up an effective constitutional and legal regime in the mentioned sphere of social relations. A broad and restricted understanding of the state-society partnership category has been suggested. Theoretical analysis and empirical method are the key approaches to study the problem in question. They allow to consider in an integrated manner the degree, to which the problem is examined by the leading scientists, and some practical aspects of the stated problem. The paper presents the results of studying institutionalism of partnership relationship between state and society, contemporary conceptual approaches and legal analysis of state-society partnership, problems of its categorical framework, international experience of legal regulation of state-society partnership. The main problems have been identified, and the author's classifications and viewpoints have been suggested in the course of studying. The

¹ Department of State Audit of the Higher School of State Audit, Lomonosov Moscow State University, Tel +7-916-110-07-33, Elena.shapkina@yahoo.com.

paper materials are of practical value for governmental authorities, civil society institutions, scientists-legal experts, whose academic interests involve studying the problems of legal regulation of interaction between state and society.

Keywords: state; society; partnership; legal regulation; state-society partnership, government control; civil society; social relations; state authority.

1. Introduction

It is changes that occur in the modern world, which test the stability of sovereign political and social systems to destruction. In such conditions, the ability of law to effectively respond to external and internal challenges through stimulating evolvement of positive processes in social and political and social and economic life and protecting society from the impact of negative factors, plays an important role in ensuring guarantees of domestic stability and stepwise development of the country. A new phenomenon in the system of social relations, which began to extremely rapidly develop under the

399
influence of technological (digital) revolution, is linked to gradually blurring the distinction between public and private spheres, deepening the processes of “state socialization” and “governmentalisation of society”¹, establishing the whole new relations of *partnership* between state and society.

Intentional development of partnership relations between state and society to achieve social development goals in a concerted effort serves as a tool for prompt establishment and effective functioning of a new model of social relations. Nevertheless, to date, the speed, at which social innovations appear, and creative force is generated in the sphere of partnership interaction between state and society, has outpaced the real potential for developing the highest standard legal regulation in a proactive manner. According to the experience, legalization (legal registration, juridification) of new forms and mechanisms of state-society partnership at the federal level is mostly reactive, whereas the problems of institutional design, to be resolved by state, in present-day conditions require

¹ Habermas J. Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft.

Frankfurt a. M.: Suhrkamp Verlag, 1962. P. 141.

the creation of necessary legal incentives and the establishment of effective legal regime in the mentioned system, based on the ideas and principles, stipulated within legal boundaries and by the Constitutions of states, in particular.

The present study is intended to theoretically comprehend a constitutional-legal nature of partnership (subject-subject) relationship between state and society in present-day conditions, and to define theoretical and methodological approaches and practical abilities to formalize an effective constitutional-legal regime within the specified area of social relations

2. Materials and methods

Since the nature of the studied object and subject is complex, comprehensive, and changing, the formulated scientific problem definitely requires that the conceptual approaches of both constitutional law and other legal disciplines (constitutional law of foreign countries, theory of state and law, civil law, social welfare law, international public and private law) be thoroughly understood in a creative way, and theoretical and methodological tools of other social sciences be involved.

The theoretical and methodological context of the present study is unique through lack of the available conceptual approaches of legal doctrine to the phenomenon of the state-society partnership.

A concept of communicative action of J. Habermas and, firstly, the viewpoints on the importance of subject-subject relationship, based on the principle of dialogics, respect, and perceiving the other as a self-reliant person, is one of the most useful, in terms of the tools available, for the purposes of the study.

The sources of information for the study include: statistical data of the integrated system of UN civil society organizations (iCSO System, UN DESA NGO Branch), results of NPO monitoring within the oldest (from the beginning of the 1990's) academic project of comparative study of non-profit organizations of J. Hopkins research university (The Johns Hopkins Comparative Nonprofit Sector Project, USA), and financial statistics and reviews of the status of civil society organizations as part of the development program with participation of OECD countries-donors (OECD Civil Society platform).

The phenomenon of *partnership* has actively been studied within subject areas of various scientific disciplines of economics, politology, and sociology even from the 1980's. A concept of partnership in political economics was developed in the form of either studying social technology, aimed at fostering unity within state authorities and communities through providing some or other social benefits (social services, labour, and employment status), or analysing the processes of interaction and decision-making between actors involved in the problem of co-management, when certain social norms and institutions are created, protected, or reproduced. The publications of A. Fowler, J. Harriss, S.P. Osborne, J.M. Brinkerhoff, C. Knox, R.W. McQuaid, L.I. Yakobson, I.V. Mersiyanova show that state-society partnership constitutes, first and foremost, a form of organization, where accomplishments of the partners depend on the presence of trust, self-organization, skills, and motivation of the involved persons.

3. Results

Institutionalisation of partnership relationship between state and society as a major trend in today's world

Specialists in the area of civil society comparative studies point out that if the XVIIIth century became the golden age of representative authority, the XIXth century was the “age of bureaucracy”, then a “non-profit sector” might be considered a symbol of the second part of the XXth century, the development of which came to be an indicator and, simultaneously, an incentive to change the precedent principles of the state-society relationship.

A phenomenon of non-profit organizations and, in broader terms, a concept of partnership relations between state and society came to careful attention of theory and practice due to, first, a so called “crisis of state”, which had been unfolded almost worldwide over the last decades of the XXth century. This crisis cast doubts on the traditional social policies in many economically developed countries, and caused frustration of the developing countries with the opportunities for

attaining social progress goals solely under supervision of state.

Financial crises and turmoil threw into question even the confidence in the universal nature of market methods for economic regulation. As a result, many political leaders proceeded with seeking for some new ways, which would had enabled to combine market values with the advantages of a more extensive social protection. According to Lionel Jospin, the Prime Minister of the French Republic, “Yes - to market economy, no – to market society”. Not surprisingly, while seeking for the tools to solve the arisen problems, most researchers and politicians turned their focus towards such a resource of social innovations, as civil society organizations.

A further essential factor is the impact of technological revolution. Modern social reality, partly owing to digital technologies, is by far the most organized and structured, than that, which surrounded us until quite recently in the late XX century. On the one hand, more ordered social life means greater potential for inner freedom of an individual, however, the price of this freedom involves a complex system of organizational structures and social

institutions of society. On the other, modern, quite ordered life of society, overloaded with systems of control and risk management in all areas, is characterized by a growing need for increasing the speed and improving the quality of response to challenges arising in the rapidly changing world, including more social problems that emerge. Any traditional hierarchical system of controlling in the case of exponential growth in the number of various challenges, shall not objectively cope with responding in an effective manner, hence, new political and legal and social technologies are needed alongside with the collective interaction legal institutions and development of partnership (subject-subject) relations between state and society. Particularly, it is for this reason there is a rising popularity of discussing public policy, which complements objective widening of the scope of state-society relationship, including that under the influence of modern technologies that facilitate development of new ways and forms of communication between the state-public and the social-private.

An intrinsic, material aspect of these processes involves institutionalisation of various forms of

interaction between state and civil society structures, expansion of activity of the “third sector” into a wide variety

of social development spheres, including participation in the administration of state affairs.

Table 1 presents the structure of the most common directions of civil society organizations’ (NGOs) “entering” into the area of “state responsibility” as of 2018 (as per the data of the Integrated Civil Society Organizations System (iCSO System) of the UN Department of Economic and Social Affairs (DESA UN NGO Branch)).

Table 1. Main spheres of NGOs’ activity (2018)

Sphere of activity of non-government organizations	Share, %
Economy and social sphere	25.5
Financing of development	4.7
Gender issues and progress in women's rights	15.6
Population	4.7
Effectiveness of government control	4.4
Social development	16.5
Statistics and accounts	3.2
Sustainable development	18.6
Development, resolution of conflicts and new partnership for Africa	6.8
<i>Source: iCSO System, DESA UN (NGO Branch), 2018</i>	

State-society partnership: contemporary conceptual approaches

The processes of modernization of the state-society relationship, which have been speeded up under the impact of various factors existing in the fast-changing world and technological revolution, attract close attention of the domestic legal theory and practice. Innovations in social and political

creative works become not only the subject of constitutional and legal comprehension, they also facilitate development of legal rules and enhance attention to effectiveness of legal regulation. However, it should be noted that the unique nature of theoretical and methodological status of this study is

linked to the lack of the available conceptual approaches of legal doctrine to the phenomenon of state-society partnership. Since the latter (broadly speaking) constitutes a complex social phenomenon, affecting all spheres of social life, it has gained attention of many social sciences: politology, economics, sociology, philosophy long time ago. Hence, the concepts and analytical results of the allied disciplines are essential to understand the subject matter and specific features of the state-society partnership phenomenon, its place in social life and its role in social development.

Insights about subject matter and importance of the state-society partnership are closely related to the concept of *inclusive democracy*. The latter as a *politological concept* (political project), linked to the form of social organization, which reintegrates society into economy, policy, and nature, should be distinguished from the inclusive democracy as a specific *dynamic indicator* of overcoming a syndrome of “non-participation” of citizens in most of state and social institutions. A real inclusive democracy is such a form of social life, which expands opportunities of each individual, and enables him to

choose life strategies pursuant to his own preferences, and, finally, increases the space for democracy and freedom.

Of importance for forming theoretical approaches to the analysis of state-society partnership is the *theory of limited choice*, which is closely related to searching the answer to the question on how suitable the institutions of the developed society are to be transferred onto the developing societies. State institution is closely linked to the method of solving the problem of violence. According to North D., Wallis D., and B. Weingast, *natural state* and *open access order* shall be distinguished.

Natural state implies restriction of access to political and economic resources. Most of contemporary societies live “in the shadow” of violence. Personal relationship prevails in the system with limited access, and the problem of violence is solved at the expense of rent income, appropriated by the representatives of privileged interest groups, including that at the cost of political manipulation, and the state itself slowly evolves into a well-established type. Competition rather than rent begins to play a leading role in the open access order, and depersonalization of social relations occurs. It forms, in its turn, the

basis of *civil society*, when representatives of multiple social groups are prepared to defend their interests using political methods.

The works of A. Giddens, an outstanding social scientist, are in-between economic and sociological concepts. In his theory of reflexive modernization, he proved that trust in partnership is a defense mechanism, which helps the subjects of partnership with lowering the risks and uncertainty in communities. The studies of *constitutional mechanisms of social partnership* performed by M. Stelzer fall into the same category of research.

Problems of categorical framework of state-society partnership

A particular feature of scientific literature devoted to studying ideology, principles, procedures, and mechanisms of state-society partnership, is the fact that there are almost no works, where formalized criteria and definitions in terms of the categories of law are used. At the same time, social and economic changes in the XXth century, creation of

digital society, and emergence of new social communication practices not only expand a request for *public participation* in developing state policy, but are also indicative of increasing the importance of network structures, when the *intensity* of relationship between state and society becomes the key resource for enhancing effectiveness and democratic nature of government control.

The necessity for introducing social innovations to improve effectiveness of controlling social development, attaining goals of sustainable development of client-oriented, open, and accountable state and many other factors, relevant for all the countries in the world, create incentives for the constant creative search for the various forms of state-society interaction. As a result, a whole variety of multiple partnership institutions appear in the international practice, which differ in not only the names, but in the list of participants and the intended purpose (see Table 2).

Table 2. Various institutional forms of state-society partnership

English term	Translation
--------------	-------------

Public-Public Partnership (PUP or P2P)	Государственно-государственное партнерство / state-state partnership
State-Civil Society Partnership	Партнерство государства и гражданского общества / state-civil society partnership
Public-Community Partnership (PCP)	Партнерство государства и местных сообществ / partnership between state-and local communities
Public-Private-Community Partnership (PPCP)	Партнерство государства, бизнеса и местных сообществ / partnership between state, business, and local communities
State-Society Partnership	Государственно-общественное партнерство / state-society partnership

Critical analysis and systematization of the concepts utilized in literature and practice, considering the reality beyond them, allow to identify more precisely the particular features of that model of state-society partnership (broadly and strictly speaking), which is the subject of this study.

Public-Public Partnership – PUP or P2P.

Public-Public Partnership is a cooperation between two or more state authorities or organizations, which are based on solidarity, for the purpose of increasing the potential and effectiveness of one partner in, as a rule, providing services or facilities (for example, public water supply, electric power supply, sanitation). Special-

purpose non-profit organizations (professional unions, pension funds, organizations and unions in the sphere of certain types of activity, community groups) may take part in public-public partnership together with state authorities and bodies of state authority.

Public-public partnership differs from *public-private partnership* (PPP), which is based on contractual relationship between state contractor organizations and non-profit organizations to design, finance, build, operate, and perform maintenance of state public facilities (for example, schools, hospitals, bridges).

Public-public partnership allows to avoid PPP risks, when implementing socially-oriented projects (breach of

contract, increase in transaction costs, a need for renegotiations, difficulties in regulation, commercial opportunism, monopolistic pricing, commercial secret restrictions, currency risk and lack of public support).

State-Civil Society Partnership

In the most general terms, *state-civil society partnership* shall be understood as an act of joint participation of state authorities and civil society institutions, hence, the framework takes on a particular importance, in which the conditions of cooperation for coordinating and regulating potential conflicts will be specified.

On the one hand, there are no guarantees of democratic nature of interaction only due to the fact of this interaction as such. On the other, partnerships between state and civil society institutions need not involve full “cooperation” between civil society and state. Partnership might be a place of tremendous fight, when the subjects of civil society continue to oppose the control of dominating system in various ways.

In conditions of global instability and rapid economic transformations, long-term and scalable models of

partnerships between state and civil society, which are based on finding common values, take on profound importance. For example, the developing countries may have the models of partnership based on supporting and extending economic rights and possibilities for the young in several sectors at once (retraining, employment, and entrepreneurship programs).

Partnership between state and local communities – “Public–Community Partnership – PCP”

“*Public–Community Partnership*” concept is linked to the mechanisms of interaction between state authorities and local self-government authorities. The partnership of this type is intended to widen the opportunities of local communities for accessing resources and types of activity, which are capable for ensuring sustainable development and human conditions to such communities.

“*Community Partnerships*” term is often used in practice and in literature, as applied to implementing mini-projects, associated with strengthening solidarity within communities (for example, organization of joint holiday lunches, campaigns to help neighbours,

etc.), and in terms of developing external relations of the community (for example, the internship program for local volunteers in the health care institution to increase the first aid potential within the community).

Partnership between state, business, and local communities – “Public–Private–Community Partnership” - PPCP

“*Public–Private–Community*” (or *community*) *Partnership* is a type of state-private partnership, in which local community (community) is one of the participants.

“Public–Private–Community” partnership is formed in the sphere of solving the issues of sustainable development at the local level, therefore, it focuses on helpful social and social-economic innovations (transfer and introduction of new skills, knowledge, and technologies), rather than on profitability as the only parameter of success. Partnerships of such type are widely used in public sector projects in the sphere of providing services (for example, water supply and sanitation), and in the projects aimed at reducing digital inequality.

State-Society Partnership

There are many definitions of “*state-society partnership*” concept in various subject areas of contemporary social sciences. However, systematization of approaches shows that the key difference derives from the fact that some scientists focus their attention on intrinsic (“material”) attributes of state-society partnership, others - on its operational (“procedural”) aspect.

From the standpoint of *intrinsic* approach, state-society partnership is a form of interaction between public authority and civil society institutions, which relies on trust, that, in its turn, may facilitate enhancement of both effectiveness of state authorities, quality of democracy, strengthening of potential and increasing stability in society, and make these partnerships a locus of inclusive democracy.

From the standpoint of *operationalist approach*, state-society partnership constitutes the *processes and forms* of interaction among state authorities, bodies of state authorities, state institutions, and large social groups, characterized by large volumes of interpersonal communication (societal groups), to discuss, what is the way, in

which public authority is exercised, and how people may influence it. These interactions are focused on such problems as specifying mutual rights and duties of state and society, discussing the way of distributing state resources and establishing various forms of representation and accountability.

The main attention in the course of forming and functioning certain state-society partnerships is paid not to the specific institutional forms, but to the character of relationship and the search for the complete consistency between the functions of state and social institutions (engl. *relational function*). Neither state, nor society are considered in the paradigm of state-society partnership as acting separately, or within the framework of subject-object influence. What it involves is the establishment of the authentic (subject-subject) relations of partnership. Here, the capacity of state to interact with both individuals, and organised and active, civil societies becomes the main tool for ensuring its legitimacy.

International experience of legal regulation of state-society partnership

Historically, the state-society partnership subject had its origin abroad in the so called utilitarian trade-union context, when the establishment of the system of interaction among the bodies of state authority, professional unions, associations of employers to regulate social and labour relationship, i.e. *social partnership*, was underway. Nowadays, legislation of all the European countries, USA, Canada, Australia, New Zealand, Japan, and Korea incorporates, as the integral parts, certain norms, special laws, and constitutional provisions, intended to ensure stable relationship of mutual recognition, developed cooperation institutions and the means for regulating the sphere of interaction among the organized work-force, business, and state.

The particular features of constitutional and legal regulation of partnership interaction between state and society (primarily, in the sphere of *social partnership*) are illustrated by the following specific examples.

The Republic of Austria is the most prominent and representative

example of constitutional practice for consolidating certain forms of social partnership, which is beyond the limits of social-labour relations as such. Civil society in Austria is very inhomogeneous in the spheres of its activity, legal forms of organization and structures of financing. This relatively small European country has more than 122 thousands of civil society organizations, which provide social services, are involved in human rights activities or constitute crucially important elements for the local communities. The key feature of the Austrian “third sector” is in its close connection with the bodies of state authorities and political parties, also known as “corporatism”. Traditionally, the “third sector” organisations obtain a considerable portion of their income from the federal budget and are the main agent of social services in the country. Hence, in 2008, the capacity of the “third sector” organisations to take part in developing government decisions in the area of social policy in the form of “social partnership” were officially enshrined in the Constitution of the country.

From the institutional viewpoint, the “third sector” of Austria involves several large, firmly established organizations in the form of professional associations and unions, which have close relations with political parties, and multiple small associations, which are very essential for the social life in communities. Corporatism, in its turn, in Austrian German language means the binding nature of participation of professional associations and unions in the processes of making political decisions. Actually, this is the essence of the Austrian constitutional system of “social partnership”, within which formalised and multi-stage negotiations are conducted between labour organizations, associations of employers and political parties to ensure balance between the national-level and community interests.

There are four main known Austrian associations in the sphere of social partnership:

Federal Economic Chamber of Austria (Wirtschaftskammer Österreich, WKÖ) represents the interests of business community;

Austrian Chamber of Agriculture (Landwirtschaftskammer Österreich,

LK) represents the interests of agricultural producers;

Austrian Federal Chamber of Labour (Kammer für Arbeiter und Angestellte, Arbeiterkammer -AK, in short) represents the interests of workers and office employees;

Austrian Trade Union Federation (Österreichischer Gewerkschaftsbund - ÖGB).

All these organizations not only represent the interests of their members, but also, in the strictest sense, being the partners in tariff agreements, the interests of lobby organizations, which provide services to their members. Apart from the fact that the chambers are the legal representatives of interests with the compulsory membership for employers and employees, they are utilised in the Austrian political system in various ways.

Thus, constitutional subject matter of the Austrian “social partnership” is not limited to the social and labour relations as such. It also involves the procedures for providing advice to political parties, approving draft laws, resolving social conflicts, and even meditation of partnerships between

political parties and the Catholic church of the country.

Switzerland provides one more example. In 1937, here, the so called “labour peace” was established, within which workers and employers refused to call strikes, the collective instrument of the class struggle, in favour of the dialogue at the negotiating table, i.e. the mechanism of social partnership.

For over 80 years, all economic matters in Switzerland have been based on, on the one hand, acceptance of the fundamental principles of market economy by the professional unions, and on the other, recognition of the professional unions as guarantors of stability in social and economic relations, by entrepreneurs. High values of economic growth indicators are largely the result of social consensus, and are reached in Switzerland through dividing income between employers and employees and replacing confrontation with negotiations.

Social partnership in Switzerland, likewise in the nearby Austria, is the most essential pillar of the Swiss statehood, also enshrined in the country’s constitution. Although the Federal Constitution of the Swiss

Confederation dated April 18, 1999, does not contain an extensive model of social partnership, as in Austria, however, it has the special chapter on the nature of goals and objectives of the country's social policy (Section II. Chapter 3 «Social goals»). As per cl. 2 and 3 of Art.41 of the Country Constitution, “Confederation and cantons are for protection of each individual from economic effects of age, physical disability, disease, accidents, unemployment, motherhood, orphanhood, and widowhood. They seek to attain social goals within their constitutional competence and using the means in disposal”. Thus, a legal framework is created in the Swiss Confederation Constitution (considering federate nature of the country) to develop inclusive democracy.

Analysis of the studies devoted to the particular features of legal regulation of social partnerships has shown that experts traditionally specify three major models, which constitute a kind of coordinates of the state-society partnership “space”:

- *Scandinavian* (or Swedish) model of social state or state of wealth (with the primary role of public authority

institutions, provision for equality of social groups, high level social guarantees based on the higher rates of taxes). Main subjects: the countries of the Northern Europe, including the countries of Scandinavia and Iceland;

- *continental* (or corporate) model of social state (central role of private sector; relationship between the level of income and the level of social protection; special role of social insurance institutions; essential role of the corporate and industrial agreement; restrictions on the right to strike). Main subjects: the Republic of Austria, Federal Republic of Germany, the French Republic, the Kingdom of Belgium, the Netherlands;
- *liberal* (or Anglo-Saxon) model of social state (limited role of public authority institutions, essential role of the universal standards of social security, relatively low rate of taxes, principle of freedom for activities of professional unions and associations and professional ethics). Main subjects: United Kingdom, Ireland, USA.

In the modern conditions, these models have rather an abstract-analytical meaning, enabling to differentiate between specific features of legal regulation of state-society partnership

sphere, while in practice dynamic changes and convergence of various models and approaches are underway. For example, complex methods of flexible institutional design and their legalization replace strict differentiation and fixing of the specified institutional forms. From this perspective, not specific forms of material law, but constitutional and legal principles of creating conditions to maintain the presence and development of the sphere of public relations between state and society begin to play an ever-greater role. A classic example of the constructive role of the FRG Federal Constitutional Court on the issue of interpreting the subject matter and meaning of constitutional principle of the social nature of state may be given.

4. Discussion

The results of the study show that the most relevant directions of activity of non-governmental organizations are related to the questions of social and economic development: if positions “Economy and social sphere”, “Social development”, “Sustainable development” are summed up, the

share of non-governmental organizations, active in the above-mentioned spheres will amount to 60.6 %, i.e. to almost two thirds.

In the whole, various forms of partnerships are considered from the viewpoint of subject and institutional aspects of participation of social groups and public institutions when aligning interests of policy and achieving certain, including i.a. socially important goals (concept of social capital). The results of theoretical developments of Bourdieu, Iglehart R., Coleman J.S., Portes A., I.E. Diskin, A.T. Kon’kov, S.A. Khmel’nitskiy, L.I. Nikovskaya, V.N. Yakimets demonstrate that social relations and atmosphere of trust, emerging in the process of interactions and effects of participation, constitute an essential resource for social and economic development, improvement of the effectiveness of joint public-social activities and reducing information asymmetries. However, the mentioned authors focus their studies on resource attributes and productive function of partnerships in terms of utility maximization or analysis of state control mechanisms based on the procedures of

horizontal partnership (public policy phenomenon).

An ambiguity and multi-aspect nature of “partnership” term and specific social relations “behind this term” is an objective reflection of the defining attributes of the modern world with its instability, uncertainty, variability (VUCA-world). In each specific situation, this term might mean—something definitely stated but not constant, woven from many shades of meaning and connotations from philosophy, politology, economy—sociology, and psychology. Some authors think that the idea of partnership is so ubiquitous that it essentially cannot be strictly defined.

As a result of the performed study, the difference is revealed between “broad” interpretation of the state-society partnership as a system of relationship between state and society, with trust and mutual responsibility as the key attributes, and “narrow” understanding of the state-society partnership as a special legal form (organization) for consolidating and regulating state-society partnership to jointly solve the problems of social development.

Discussing an empirical part of the study of international experience gained when forming legal framework of state and society, and in terms of its suitability for transferring as well, brings about to identification of a number of basic principles, important for legal regulation of state-society relationship sphere. Among them:

Design principle. From operational (procedural) viewpoint, the methods and forms of interaction between state and society have the design basis (life cycle);

Principle of equivalence. The relationships between state authorities and civil society institutions involve the mechanism in effect of subject-subject relations, which implies equality between partners in the processes of discussing, decision-making, and joint activities;

Principle of compliance. Trust, character of relationship, and potential achievement of the rigid conformity between the functions of state and social institutions are the most essential aspects in the process of partnerships’ forming and functioning;

Principle of dividing jurisdictions. From a legal and organizational perspective, various levels of interaction between

partnerships imply the use of different models of their implementation;

Principle of inclusivity. Organizational and legal models shall take into account and comply with the specific economic, social, political, and cultural conditions of implementation.

The considerations of, first and foremost, social and economic nature, became the key aspect of establishing international practice of state-society partnership, especially, in the forms of social partnership and socially oriented non-profit organizations. Global economic crises of the late XX century (shortly before new technological revolution) led to revising an idea of community philosophy and intersectoral partnership that stems from the industrial development period, forming a concept of social capital and analysing the role of cooperation between state and society based on the principles of trust, facilitated understanding that the degree of cooperation among citizens in social life directly affects economic development. Finally, an objective material basis was formed to expedite the processes of legalizing the developed sphere of state-society partnership.

References

Habermas J. *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft.* Frankfurt a. M.: Suhrkamp Verlag, 1962. – 380 p.

Fowler A. *Striking a balance: a guide to enhancing the effectiveness of non-governmental organisations in international development.* Oxon, UK: Earthscan, 1997. – 320 p.

Harriss, J. *Working together: the principles and practice of co-operation // Managing development: understanding inter-organizational relationships / Org. D. Robinson, T. Hewitt, J. Harriss.* London: Sage and The Open University, 2000. P. 225-242;

Public-private partnerships: theory and practice in international perspective / Ed. S.P. Osborne. London: Routledge, 2000. – 368 p;

Brinkerhoff J. M. *Partnership for international development: Rhetoric or Results?* London: Lynne Rienner Publishers, 2002. – 205 p;

Devolution and Constitutional Change /
Eds. P. Carmichael, C. Knox and R.
Osborne. Manchester University Press,
2007. Pp. 201-218.

McQuaid, R.W. Theory of
Organisational Partnerships –
partnership advantages, disadvantages
and success factors // *The New Public
Governance: Critical Perspectives and
Future Directions* / Ed. S.P. Osborne.
London: Routledge, 2010. Pp. 125-146;

Mersiyanova I.V., Yakobson L.I. Non-
governmental non-profit organizations:
institutional environment and efficiency
of work. – M.: Publishing house of SU
HSE. 2007. – 170p.

*Global Civil Society: Dimensions of the
Nonprofit Sector. The Johns Hopkins
Comparative Nonprofit Sector Project* /
L.M. Salamon, H. K. Anheier, R. List, S.
Toepler, S. W. Sokolowski and
Associates. – The Johns Hopkins
University. Center for Civil Society
Studies, 1999. - 512p.;

Stepashin S.V. Social audit: Is society
able to control bureaucracy expenses? -
M.: Nauka, 2013. – p. 8.

*Global Civil Society: Dimensions of the
Nonprofit Sector. The Johns Hopkins
Comparative Nonprofit Sector Project.*
P. 5.

Giddens A. *Runaway World: How
Globalization is Reshaping Our Lives.*
New York: Routledge, 2003. – 124 p.

Popova S.M., Yanik AA. State and
society: development of new patterns for
interaction // *Challenges of the digital
future and stability of Russia. Social and
political conditions and demographic
situation in 2017-2018* / under editorship
of G.V. Osipov, S.V. Ryazantsev, V.K.
Levashov, T.K. Rostovskaya. M.:
Publishing house “Perspektiva”/ 2018.
pp. 221-242.

Sungurov A.Yu. Public policy: main
directions of studies (world and Russian
experience) // *Public policy*. 2017. № 1.
pp. 8-28; Zaitsev A.V. Public sphere as a
field of dialogue between state and civil
society// *KSU Bulletin* 2013. № 1. pp.
203-206.

Resolution of the General Assembly of
UN dated September 25, 2015, No.

A/RES/70/1 «Transformation of our world: Agenda in the area of sustainable development for the period through to 2030».

Fotopoulos T. Towards an Inclusive Democracy: the crisis of the growth economy and the need for a new liberatory project. London: Cassell, 1997. – 401 p.

Petukhov V.V. Civil society and inclusive democracy // Monitoring. 2006. No.1 (77), pp. 22-27.

In the Shadow of Violence: Lessons for Societies with Limited Access to political and economic activity: report for the XIII Apr. International Scientific Conference on the problems of Economic and Social development, Moscow, 3–5 April, 2012/ North D., Wallis J., Webb S., Weingast B.; transl. from English of M. Dondukovskiy and E. Leont'eva; under scient. edit. of A. Yakovlev and L. Polischuk. M.: Publ. house of Higher School of Economics, 2012. - 48 p.

North D., Wallis D., Weingast B. Violence and social orders. Conceptual

framework for interpreting written history of humanity человечества / transl. from English of D.Uzlaner, M.Markov, D.Raskov, A.Raskova. M.: Publ. house of Gaidar Institute, 2011. - 480 p./

Miroshnichenko I.V. Public policy in the present-day Russia: state and tendencies of development // South-Russian Journal of social sciences. 2012, No.3, pp. 4-15.

Giddens A. Modernity and Self-Identity: Self and Society in the Late Modern Age. Cambridge, UK: Polity Press, 1991. – 264 p.

Stelzer M. The Constitution of the Republic of Austria: A Contextual Analysis. London: Hart Publishing/Bloomsbury Publishing, 2011. – 294 p.

Democracy Transformed?: Expanding Political Opportunities in Advanced Industrial Democracies / Eds. B.E. Cain, R.J. Dalton, S.E. Scarrow. Oxford, UK: Oxford University Press, 2006. – 309 p.

Manning N., Parison N. 2003. Public administration reform: international

experience. M.: The whole World/ 2003, 496p.

Peterson J. Policy Networks'. Political Science Series Nº 89. Vienna: Institute for Advanced Studies, 2003. – 29 p.

Morley M. Developing Public to Public Partnerships (P2Ps) that improve infrastructure's social and economic value // The World Bank. 2016. February 18.

Vasconcellos M., Vasconcellos A.M. State-civil society partnership: issues for debate and new researches // Organizações & Sociedade. 2011. Vol. 18. Nº 59. P. 701-717; Muhumuza W. State-Civil Society Partnership in Poverty Reduction in Uganda // Eastern Africa Social Science Research Review. 2010. Vol. 26. Nº 1. P. 1-21.

Albrechtsen A.-B. Why collaboration will be key to achieving the Sustainable Development Goals. World Economic Forum. 2017. January 31.

White S. The Left After Social Democracy: Towards State–Society Partnerships // Alternatives to State-

Socialism in Britain / Eds. P. Ackers, A. Reid. Palgrave Studies in the History of Social Movements. Cham: Palgrave Macmillan, 2016. P. 303-327.

Estévez-Abe M. State-society partnerships in the Japanese welfare state // The State of Civil Society in Japan / Eds. F.J. Schwartz, S.J. Pharr. Cambridge, MA: Cambridge University Press, 2003. P. 154-172.

Building Peaceful States and Societies: A DFID Practice Paper. London: Department for International Development, 2010. P. 15.

Streeck W., Hassel A. The crumbling pillars of social partnership // West European Politics. 2003. Vol. 26. Nº 4. P. 101–124.

Stelzer M. The Constitution of the Republic of Austria: A Contextual Analysis. Oxford, UK: Hart Publishing Ltd, 2011. P. 39-40, 55-59.

Neumayr, M., Schneider, U., Meyer, M., & Haider, A. The non-profit sector in Austria: An economic, legal and political

appraisal. Working Papers. Vienna:
Institut für Sozialpolitik, 2007.

Wirtschaftskammer Österreich. URL:
<https://www.wko.at> (date of reference:
15.11.2018).

Landwirtschaftskammer Österreich.
URL: <https://www.lko.at> (date of
reference: 15.11.2018).

Arbeiterkammer. URL:
[https://www.arbeiterkammer.at/index.ht
ml](https://www.arbeiterkammer.at/index.html) (date of reference: 15.11.2018).

Österreichischer
Gewerkschaftsbund.URL:
[https://www.oegb.at/cms/S06/S06_0/ho
me](https://www.oegb.at/cms/S06/S06_0/home) (date of reference: 15.11.2018).

Titel: Grundrechte, Bürgerrechte und
Sozialziele, 3. Kapitel: Sozialziele, Art.
41 // Bundesverfassung der
Schweizerischen Eidgenossenschaft
vom 18. April 1999 (Stand am 1. Januar
2018).

Ryabova T.M. Medvedeva N.V. Foreign
practices of organizing partnership
between state and society: tendencies

and problems// Sociodynamics. 2017. №
4. pp. 114-125.

Aristov V.E. Great Britain as a state of
wealth: constitutional and legal study//
Law and education. / 2015. No. 9. pp.
170-175.

Shipit'ko A.B. Modern models of social
partnership in social and labour sphere//
News of Saratov University, New series
Sociology. Politology. 2013. No.1,
pp.35-40.

Civil Society in Central and Eastern
Europe: Challenges and Opportunities /
Eds. P. Vandor, N. Traxler, R. Millner,
M. Meyer. Vienna: ERSTE Stiftung
Studies, 2017. – 310 p.

Johnston. K. Public governance: the
government of non-state actors in
'partnerships' // Public Money &
Management. 2015. Vol. 35, № 1. Pp.
15-22.

Lee M. Government Influence on the
Formation of Nonprofits: A dual
relationship between local government
and local nonprofits // Journal
International Review of Public

Administration. 2008. Vol. 13, Nº 2. Pp. 97-115.

Kuroda K. New roles of nonprofit organizations and partnership with government and/or business // Global Economic Review Perspectives on East Asian Economies and Industries. 2000. Vol. 29, Nº 4. P. 73-88; Turner, L. Social partnership in Germany: Lessons for U.S. labor and management // Looking Ahead. 1993. Vol. 15. Nº 3. Pp. 13-16.

Auzan A.A. Institutional planning of reforms: experience and attempt to predict: Preprint WP10/2007/09. M.: SU HSE 2007. - 24 p.

Aristov V.E. Germany as a social state: constitutional and legal study // Law and education. 2015. Nº 11. pp. 121-133.

Bourdieu P. The Social Space and the Genesis of Groups // Theory and Society. 1985. Vol. 14. Nº. 6 Pp. 723-744.

Bourdieu, P. The forms of capital // Handbook of Theory and Research for the Sociology of Education / Ed. J. Richardson. New York: Greenwood, 1986. Pp. 241-258.

Iglehart R. Modernization and Postmodernization: Cultural, Economic and Political Change in 43 Societies. Princeton, NJ: Princeton University Press, 1997. – 464 p.

Coleman J.S. Social Capital in the Creation of Human Capital // The American Journal of Sociology. 1998. Vol. 94. Supplement: Organizations and Institutions. P. S95-S120.

Portes A. Social Capital: Its Origins and Applications in Modern Sociology // Annual Review of Sociology. 1998. Vol. 24. Pp. 1-24.

Diskin I.E. Social capital in global economy // Social sciences and today's world. 2003. No.5, pp. 150-159.

Kon'kov A.T. Social capital and economic interaction. M.: RUDN Publishing house, 2006. – 222p.

Khmel'nitskiy S.A. Theory of social capital: institutional approach // Bulletin of Kaliningrad Law Institute of MIA of the Russian Federation. 2009. Nº 2. pp. 120-125.

Nikovskaya L.I., Yakimets V.N.
Problems and priorities of developing
public policy in the present-day Russia //
Power. 2013. No.9. pp.4-10.

Rowe M., Devanney C. Partnership and
the governance of regeneration // Critical
Social Policy. 2003. Vol. 23. № 3. Pp.
375-397.

Giddens A. The Third Way: The
Renewal of Social Democracy.
Cambridge: Polity Press, 1998. - 176 p.

Fukuyama F. Trust and the Creation of
Prosperity. New York: Free Press, 1995.
– 457 p.

Putnum R. Making Democracy
Work: Civic Traditions in Modern
Italy. Princeton, NJ: Princeton
University Press, 1993. - 258 p