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Chief editor

**S. G. Ahmed**

*Professor of Computational Mathematics and Numerical Analysis Faculty of Engineering, Zagazig University, Zagazig, Egypt, P. O. Box 44519*

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*Professor of Computational Mathematics and Numerical Analysis Faculty of Engineering, Zagazig University, Zagazig, Egypt, P. O. Box 44519*

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## **SOCIAL STATE IN THE SYSTEM OF THEORIES OF THE ORIGIN OF THE STATE**

*Abstract.* The article is devoted to the consideration of some questions about the social state in the system of theories of the origin of the state based on the analysis of theoretical provisions of legal science and scientific approaches.

*Keywords:* social state, the theory of the origin of the state, analysis, theoretical positions and approaches.

In the modern literature on the science of state and law theory, many publications are devoted to the analysis of theoretical provisions about the state and law, including the characteristics of theories of the origin of the state and law, democratic, legal, social and other aspects of the state [1-5]. This interest is not accidental [6, p. 179], since these and other aspects that characterize the state have political and legal significance and are of interest not only to the scientific community, but also to the actual daily life of specific people, the whole society and the state as a whole.

The subject of this review will be some questions [7, p. 70] about the social state in the system of theories of the origin of the state.

Based on the research subject of interest the following questions [8, p. 128]: what is the system of scientific theories about the origin of States; what the science of theory of state of law is divided into scientific approaches about the origin of the state; in any theories of the origin of the state provided for the social orientation of the state; what constitutes a welfare state; what is the history of the origin and other features of the welfare state; how the state is positioned as a social state; what trends are there in the world in terms of the social orientation of the state? There are scientific papers on many of these issues, which does not prevent the author from expressing his opinion [9, p. 77].

Before examining the welfare state in the system of theories of state origins are of interest scientific theory of the origin of the state.

In the science of state and law, many definitions of the term "theory of the origin of the state" are offered.

For example, theories of the origin of the state are understood as theories that explain the meaning and nature of changes, conditions and reasons for the emergence of the state [10].

What is the system of scientific theories of the origin of the state, which of them relate to the main and additional theories of the origin of the state?

In some sources, the main scientific theories of the origin of the state are called: 1) theological (religious, divine); 2) Patriarchal (paternal); 3) contractual (natural law); 4) organic; 5) psychological; 6) irrigation; 7) violence (internal and external); 8)

economic (class) [11].

In other sources, when describing scientific theories of the origin of the state, the full names of the authors (founders) of these theories are indicated: 1) the divine theory (F. Aquinas and others); 2) the Patriarchal theory (Aristotle, V. Mikhailovsky and others); 3) the natural law (contractual) theory (G. Grotius, Spinoza, T. Hobbes, D. Locke, J. J. Rousseau, P. Holbach, A. Radishchev and others); 4) the theory of violence (L. Gumplovich, E. during, K. Kautsky and others); 5) organic theory (Plato, G. Spencer and others); 6) materialistic theory (F. Engels, K. Marx, V. I. Lenin and others); 7) psychological theory (L. I. Petrazhitsky and others); 8) racial theory (I. Kant, F. Hegel and others) [12].

Based on the subject of research, systems of scientific theories of the origin of the state are of interest, which are called by well-known domestic scientists in terms of the origin of the state.

For example, S. S. Alekseev includes the following main scientific theories of the origin of the state: theological theory; Patriarchal theory; theory of the contractual origin of the state; theory of violence (conquest); Marxist theory of the origin of the state [13].

V. V. Lazarev calls the system of basic theories of the origin of the state-theological theory, Patriarchal theory, organic theory, the theory of violence, psychological theory, the theory of social contract (natural law), historical and materialistic theory [14].

M. N. Marchenko names as the main theories of the origin of the state such as: theological (divine) theory, natural law theory, contract theory, theory of violence, and other theories of the origin of the state (Patriarchal, psychological, organic, racial theory) [15].

When describing the origin of the state, L. A. Morozova calls the potestiar theory (crisis) theory as the main one, and also characterizes others - theological theory, Patriarchal theory, natural law (contractual) theory, Marxist (class) theory, violence theory, racial theory, organic theory, psychological theory, incest theory, irrigation (hydraulic) theory. [16].

In the legal literature, there are other scientific approaches that offer systems with the above-mentioned theories of the origin of the state and others.

Consider the system of basic scientific theories of the origin of the state.

The theological theory is based on ideas about the divine (supernatural) origin of the state, the General system of power, and the rules of social behavior. According to the theological theory, the state was created by the will of God. Power in such a state is eternal, dependent on religious organizations and figures. Therefore, everyone is obliged to obey the sovereign in everything. The existing inequality of men is determined by the same divine will, which must be accepted and not resisted by the continuer of the power of God on earth. Disobedience to the authorities was regarded as disobedience to the Almighty. In society, the main role is played by the Church and religious organizations, while the clergy, due to their position and influence, have a significant influence on the

formation of public opinion in terms of theological dogmas and worldview [17, p. 214].

The Patriarchal theory of the origin of the state is based on the worldview and ideas about the origin of the state based on one of the cells of society, as a family, and, respectively, public and state authorities are derived from the power of the father or mother of the family. According to the Patriarchal theory, the state is considered as a natural stage of formation and development (expansion) of the family, while the concept of the state is not equated with the concept of the family. The state is also considered as the best, complete form of social development according to the family-village-state scheme, which is formed and developed in order to achieve the common good. He also believed that it is not the primacy of the state before the family, but about the person as a political entity, that is, in the most developed form, the state is the communication of free and equal citizens [10].

The organic theory of the origin of the state is based on the idea of the state as a living organism based on biological evolution, and therefore a more important organ corresponds to a higher status and more significant power in the organic system of society and the state. At the same time, in social organisms in the process of struggle (including wars), natural selection occurs, on the basis of which specific States are created, governing bodies are formed, and this social organism absorbs its members [10].

The psychological theory of the origin of the state is based on the position that the emergence of the state is due to the properties of the human psyche, the individual's need to live in a collective, his desire to search for authority, whose instructions could be guided in everyday life, the desire to command and obey. At the same time, the state is a product of resolving psychological contradictions between proactive (active) individuals who are capable of making responsible decisions, and the passive mass, capable only of imitative actions that fulfill these decisions [18].

The natural-legal (contractual) theory of the origin of the state is based on the emergence of the state on the basis of a contract of people (their will), based on the requirements of natural laws that encourage people to conclude a contract on the establishment of the state. At the same time, the state is obliged to maintain order, observe and protect the inalienable rights and freedoms of man and citizen [19].

The theory of violence in the emergence of the state (based on the thesis that the state arises in the course of military conquests, and therefore creates a state apparatus for organizing the conquest and suppression of the conquerors of the conquered peoples, but it does not exclude the bodies for the protection and maintenance of order [20].

The materialist (Marxist, class) theory of the origin of the state is based on the provisions that the emergence of the state is the result of changes in socio-economic relations, the mode of production, the result of which is the appearance of private property, the emergence of estates and classes, the aggravation of the struggle between them, etc. the State is a means of controlling and forcing people, maintaining the rule of one class over others. For Example, V. I. Lenin noted that "the State is the product and manifestation of irreconcilable class contradictions", and therefore the state arises in so far as there were economic and social changes in society that led to the emergence of

estates and classes, as well as class contradictions [21].

In addition to these theories of the origin of the state, the system of scientific theories of the origin of the state includes such theories about States that provide for the social orientation of the state.

Such theories in the science of the state are usually called: the theory of the "welfare state", the theory of convergence and the theory of the social state.

The theory of the "welfare state" is based on the position that the state is the force that eliminates the injustice of the capitalist system and can ensure the growth of welfare and a high standard of living of the population. At the same time, it pays attention to the value of each person, and their interests are put at the heart of the state's activities [22].

The convergence theory is based on the position that between the States of Western civilization and the States of the socialist type there is an "exchange" in terms of borrowing the best. As a result of these convergences between States in terms of social essence, organization, forms of activity, etc., which should lead to the elimination of differences and the emergence of a "post-industrial state" of a single type, which will be a state of "General welfare" [22].

Let's take a closer look at what the theory of the social state is.

In scientific dictionaries under the term "social state" (from it. Sozialstaat; from the English Welfare state - the welfare state, the welfare state) is a political system that redistributes material goods in accordance with the principle of social justice in order to achieve a decent standard of living for each citizen, smoothing social differences and helping those in need [23].

It should also be noted that many political parties and movements in their election programs and slogans set goals and objectives related to the social orientation of the state's development and the formation of a social state.

In legal science, it is considered that the issues and problems of creating the theory of the social state are linked to such types of social orientation as social stability in society, reducing social tension, using the redistribution of public funds, creating conditions for a decent life, and protecting human rights, which were described in the works of ancient thinkers (Plato, Aristotle), and then studied during the middle ages (T. Campanvala, G. B. Mabli, T. Mor).

During the period of the bourgeois-democratic revolutions, liberal ideas about the social essence and activity of the state were described in the works of Zh. Rousseau, J. Locke, S. Montesquieu, and others.

In science, it is believed that the term and concept of "social state" was first used in 1850 by Lorenz von Stein [24], who among the functions of the state called such as: "maintaining absolute equality in rights for all different social classes, for a separate private self-determining individual through his power." According to the theory of L. "The state is obliged to contribute to the economic and social progress of all its citizens, since, in the end, the development of one is a condition for the development of another, and it is in this sense that the social state is spoken of" [24].

At this time, as you know, the workers and trade Union movements developed,

which exerted pressure on the state authorities with their mass strikes and revolutionary movements, which influenced the normative consolidation of certain social foundations of the state. For example, in Germany, legal acts were developed on mandatory social insurance for certain categories of workers, self-governing mutual insurance associations. Financial resources were also created for medical and rehabilitation assistance and insurance payments. At the same time, this socio-legal policy received the conditional name "Bismarck model" ("Prussian socialism") and was used in a certain form in Germany and some other countries. In 1871, Germany introduced state social insurance against accidents at work, and in 1880 - the financing of medical care, in 1883 - sickness benefits.

Subsequently, social accident insurance was introduced in other countries: in Austria in 1887, Norway in 1894, France in 1898, New Zealand in 1900, Sweden in 1901; health insurance was introduced in Austria in 1888, Sweden in 1891, Norway in 1909, and so on.

After the revolution in Russia in 1917, social and socialist ideas in the separate socialist state of Soviet Russia (RSFSR) and then the USSR were further implemented not only in theory, but in practice of the socialist state.

As it is commonly believed, the social state is fundamentally different from the socialist state, which is not the subject of this review.

In science, it is also considered that the provisions of the theory of "welfare state" and "convergence theory" have been developed in the main provisions of the theory of the social state, including taking into account the construction of socialism not only in the USSR, but also in other countries of the socialist camp, on the European and Asian continents.

The theory of the social state is characterized by the following features:

1) the high economic level of development of the country, which allows redistributing public funds to the population and not excluding private property and not encroaching on large owners;

2) the structure of the economy provides for a social orientation;

3) the formation of civil society;

4) the state develops various socially significant programs;

5) creates and develops legislation with a social orientation;

6) the goals of the state are to provide every person with decent living conditions, equal starting conditions for self-realization of the individual, and social security;

7) the state assumes the duty of social responsibility to citizens [23].

The social state is also characterized by certain functions, namely:

1) maintenance of socially unprotected segments of the population (children, the unemployed, pensioners, disabled, etc.);

2) protection of health and labor of people;

3) support for childhood, family, motherhood, etc.;

4) elimination of social inequality through the redistribution of state revenues;

5) promotion of social orientation and charitable activities;



- 6) financial support for social educational and cultural programs;
- 7) fight against poverty, unemployment [23].

After the Second world war, there was a surge of sympathy for the ideal of the social state, which was understood as moderate democratic socialism, in Europe and other countries of the world. The European social state of those years was characterized by the rise of the social Democrats to power and the nationalization of health care, transport, energy, heavy and extractive industries. There was also a period of crisis in the ideas of the social state, which occurred in the late 1970s and early 1980s.

In modern times, the ideas of the theory of the social state are implemented in such indicators as the level of poverty in the country, the effectiveness of social programs on the levels of poverty and unemployment, the use of the share of GDP for expenditures related to social programs, etc.

For the first time, the term "social state" ("sozialer Rechtsstaat") received and normative fixed in the German Constitution in 1949 in the form of the following wording: "The Federal Republic of Germany is a democratic and social Federal state" (article 20) [25].

At the end of the XX century, the ideas and principles of the "social state" found their normative consolidation in the basic laws (constitutions) of many States, and socio-economic human rights were not only declared, but also received a certain order and mechanism for their implementation in the social activities of the state.

Among the countries where the social state is regulated and formed, it is common to name such as Belgium, Germany, the Netherlands, Norway, Sweden, Switzerland, Finland and other European countries, as well as such States as the United States, Canada, Japan, etc.

In Russia, the official Declaration of a social state is enshrined in article 7 of the Constitution of Russia.

In conclusion of this study, it should be noted that [26, p. 16] in the modern model of the social state, stability within the state should be maintained, allowing to smooth out the existing significant differences in income between different segments of the population. At the same time, the implementation of the "social debt" by the state allows reducing the tension and discontent of various political groups of the population with insufficient income. Moreover, stability is one of the primary conditions for ensuring economic growth, and, accordingly, ensuring internal and external stability, development and security in a social state.

The author shares the scientific approach that a social state should be understood as a state that differs from others in the priority not only of determining, but also of implementing social orientation in the conduct of public policy, and the main tasks of such a state are:

- 1) creation and development at the legislative level of a system of mechanisms and financial resources for the implementation of social functions;
- 2) creation of a system of indicators-indicators that indicate the socio-economic state of society and timely provision of social assistance to the needy segments of the population;

3) observance and protection of the rights and interests of citizens on equal terms;  
4) formation and implementation of social programs in such areas of society as health, culture, education, ecology, etc.;

5) control over the performance of social functions by state and other bodies and organizations, as well as control over the performance by citizens of their social duties in relation to relatives, other persons and society as a whole;

6) informing each citizen of their rights and obligations, society as a whole on socially significant programs, etc., as they are important components and characterize not only its features and functions, but also how the state specifies the objects of application of its social functions to the real life of people and is able to control the degree of their implementation in practice [27].

The implementation of the above and other conditions will allow the qualitative functioning of the social state in modern society.

Thus, this study can be understood as an analysis [28, p. 247] of General theoretical provisions and scientific approaches that allowed us to consider the social state in the system of theories of the origin of the state, as well as to characterize the main features, functions and other aspects of the social state.

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