

GCPMED 2020
**Global Challenges and Prospects of the Modern Economic
Development**
**SOCIAL STATE-PRIVATE PARTNERSHIP: AXIOLOGICAL
BASIS AND LEGAL REGULATION**

P. P. Lang (a)*

*Corresponding author

(a) Samara State University of Economics, Soviet Army Str., 141, Samara, Russia, petr.lang@mail.ru

Abstract

The realities of modern state politics are so that they must seek to find harmony with the society. Democratic values serve as the basis of state modernization and they stand clearly on the importance of social harmony in a democratic state. Social partnership is the model that explains ways to ensure harmonious existence of state bodies and the society given the political and economical conditions of the state. The so desired harmony is reached through optimal legal regulation that must meet the needs in the existing economic conditions and be adequately carried out by state bodies. Such legal regulation must provide compromise and dialogue to fulfill its purpose of ensuring social partnership. The other way social partnership is comprehended is not as a set of legal regulations and norms fitting a certain model, but as the value-ideological basis of state politics and law and real practice. It is utterly important to consider social partnership as an axiological form and mainly so because social partnership can only be practically applied when it is the core purport of legislation itself. Nowadays social partnership is mostly a labor law model that serves to achieve coherence between the interests of employees, employers, labor unions, state and local bodies on issues of labor policy, social policy and their adequacy to economic realities and regulations, yet all fields of legal regulation must reflect on social partnership values to be adherent to the values of modern times and society.

2357-1330 © 2021 Published by European Publisher.

Keywords: Collective bargaining, harmonious legislation, legal values, social dialogue, social partnership



1. Introduction

Social partnerships has always been the focus of legal doctrine. It is considered as the most acceptable form of interaction between the people and the state that reflects in balance of human and state interests. Social partnership demonstrates the level of correspondence of state officials to the legislation goals, objectives, principles of legal and political life in a society. Social partnership is a concept used in labor law and legislation. Harmonization of interests legally is the core of social partnership. However, in the scientific doctrine, social partnership is presented in a more complex way as a broad social phenomenon reflecting the interaction of people and state. Social partnership both as a subject area of theoretical study and a practical component of the social sphere focuses on large-scale problems of our time. This issue was already relevant so far as fifteen years ago and so because of the efforts of scientists, who drew attention to the principles and conceptual approaches to its solution in times when no discourse of public-private partnership existed (Rybakov, 2004). In modern studies, social partnership is defined through the background of existing socio-economic problems. So, for example, attention is paid to the digitalization of the social sphere of Russia, which is of obvious interest and importance for any person as a daily participant in social relations and digital interaction (Ustinovich, 2019). The social sphere is rather complex. However, it has institutions and relations that can only properly function through social partnership. It is noted and rightfully so in scientific publications that today, in the context of the transition to a socially oriented market economy, the strengthening of external economic challenges and threats, the main task of the social policy of the Russian state is seen in increasing the level and quality of life of the population, stabilizing public relations by harmonizing the interests of the least protected categories of the population, which include families with children (Rostova, 2013). Basically, the expression of social partnership is the set of steps for the state to take to ensure demographic policy (Rostova, 2017). Indeed, institute of social partnership reflects on significant social problems and acts as a necessary form of that allows the state to objectively address peoples' interests.

2. Problem Statement

To achieve social justice the society and state must first successfully implement models and institutions of social partnership. It must become the core basis of state legislation as well as become the value standard of state bodies' practice. Legal values widely affect legal principles of all legal institutions (Zaibert, 2016). Law can be explained through the spiritual sense of the right (Baranov & Ovchinnikov, 2016) and it is closely connected to the values existing in a state and society that shape it. In order to reach such goals legal science must continue research and provide the state with new basis of legal doctrine harmonized with social interests. The issue of the development of such scientific basis for social partnership is highly relevant nowadays. Yet it is still an imperfect model as legal research shows, even nowadays policies that should allow for cooperative relations weaken labor's prospects for meaningful social partnership due to the realities of workplace employment relations and state indifference (Badigannavar, 2016). As it was mentioned before, social partnership is mostly implemented in labor law now and needs to be spread out on all legal fields. Reaching the level of common use of social partnership models must positively affect all spheres of social and political life as they serve to harmonize the interests of all parties

in a conscientious way. One of the most pressing issues of such process is creation of methodological support by popularizing the problem amongst legal scientists and allowing them to create basis for the future legislation novelties.

3. Research Questions

The research questions for this paper are: How is social partnership understood today? What are the most common models of social partnership? What is the value of social partnership? What value foundations base social partnership? Why is it necessary to harmonize interests of the state and society? How can the state and society benefit from the development of social partnership practice and the use of its models in all spheres of state-private relations? How do social justice and social partnership cohere?

4. Purpose of the Study

Author explains the realities of social partnership models use, examines value foundations of social partnership. Understanding the value basis of this model is mandatory for efficient use of it in real practice of state bodies. Research notions help understand the phenomenon of social partnership in its width. The study aims at laying grounds to use the dissected value foundations in all forms of legislation so to allow growth of social partnership and its spread to all spheres of social and political life. The study also reflects on the universality of social partnership models, especially such as negotiation and collaboration and their value centricity and meaning. The paper also briefly discusses the problems arising in non-democratic states in connection to the values and legal notions concerning social partnership. The main issue discussed in this paper, however, is the probability of synthetic unity of state, legal and social values.

5. Research Methods

Law is generally influenced by social values current to the time of its use. Yet it is also important to remember that law also attempts to shape and change the existing social values and attitudes. This dichotomy reveals the complexity of law's nature. It also indicates the need for a systematic approach to the analysis of society and state coherent relationship and its grounds. A systematic investigation into the aspects of social partnership basis allows not only to better understand the existing legal policies, but also to better shape the emerging ones. So the method of systematic study was the central method used. Also, to identify and formulate the research problems the author used the method of analyses. When researching literature and collecting data on the issue methods of analyses, synthesis, abstraction were used. The author also used the methods of mental simulation and idealization when describing the desired evolved models of social partnership.

6. Findings

The foundation of social partnership is activity carried out on the basis of a certain set of values. The way of relating to the world through objective activity expresses the concrete-productive aspect of the interaction between the people and state. The mastery of nature, its transformation, apparently, does not

limit the active capabilities of humanity. Along with nature, people create culture, part of which, along with other components, appears to be the socially transforming human behavior. Activity is essentially associated with the transformation, change of certain objects, relations, properties, etc. "Activity" as a category that has been existent in philosophical, sociological and legal knowledge for a long period of time. Along with ancient Greek philosophy, German classical philosophy contributed to the understanding of the mentioned term (Kuznetsov, 1989). Sociality, the construction of the social world, cannot be imagined and implemented outside of activity. The activities of an individual or a community, state as performed by its bodies presents the basic, universal, unifying conditions for transformative social processes, the creation of social partnership. The characteristics of activity as the main condition and the beginning of social transformations are reflected in the objective ontological disposition of a person in the world: in order to biologically support his own life and the lives of other people, a person is placed in a space where an active substantial beginning is a necessity.

Activity is proven to be the basic condition of human life and that can be confirmed both historically and logically. Civilizations and formations all have a beginning, development and completion all in conjunction with activity. The content of the activity and the goal setting of its organization are different, which directly or indirectly affects the stability or instability of social systems, political regimes, the temporal duration of the functioning of states. At a single level, a specific individual is located in the space of the necessary active participation in maintaining the biological basis of his own life, creating a communication space, forming and reproducing culture, building individual and collective relationships with the state. Universality as a characteristic of activity presupposes its universal, versatile grasp of various carriers of socio-cultural development. If activity is not universal, then there is another form or method of universal connection of relations and phenomena, but then what are they? The answer to the question of universality, the all-encompassing nature of the objectively productive, directed and realized in time and space activity is in the presence of the activity itself, which is initially, ontologically and axiologically irreplaceable for a person. A person is doomed to activity as a universal way of being, which involves living and developing, improving himself and his own kind.

Activity as a unifying principle is also expressed in the collectively participatory nature of activity. In essence, we are talking about cooperation with a certain specialization of activity processes. Unification in activity is expressed in the status of the subject of activity, necessary for all people. Therefore, the social partnership expresses the objective need of uniting people based on different criteria. The dissimilarity of people, the individual specificity of their psychological type, the different degree of their set of skills and abilities do not exclude but presuppose the recognition of these people as active subjects and participants in joint activities to achieve socially significant and individually expressed results. Indeed people have not the same legal status, objectives, means to achieve the goals, but the universality of their general status position clearly demonstrates that any person is characterized as the subject of activity and above all as a subject of collective activities in reference to social partnership.

The means of activity or instruments for the implementation of social transformative processes are not the same and due to the evolutionary progressive development of mankind are changeable. However, this does not exclude a person from the activity itself and does not change his status as a subject of activity. Any human as a generic being in this sense appears to be the bearer of activity. The activity of an individual

as well as collective activity is transformative, innovative, forever changing in its nature due to objective circumstances that mediate it on the basis of expediency and its volitional organization. We cannot disregard the fact that all activities are carried out on the basis of values. Value can be understood as a certain attitude towards something. In this sense, value is a subjectively expressed attitude towards an object with value properties. The value is always individualized. The existence of state-legal regulation of human behavior, the organization of the system of social relations as a whole is ensured and shows the social value of legal activity. If we postulate the achievement of a high degree and quality of orderliness of social relations as the main goal of legal activity, then this will be the fundamental value-ideal.

The question inevitably arises about state and legal values: is their synthetic unity possible and is it not eclectic? In scientific publications, state legal values are understood as social benefits recognized by the ruling political elite and the social majority in a specific historical period as significant and important, which are objectified in the principles, goals, and norms of law (Tsintsadze, 2015). The concept of “state-legal value” acts as such through the conjugation and correlation of elements of the value of law and elements of the value of the state. These elements include the need to organize, streamline and regulate social relations, which implies, undoubtedly, the designation of the goals of the implementation of these processes, but for what purposes. The goal-values may differ depending on the state-political regime, the degree of development of democratic or totalitarian principles in the state arrangement of society. The nature of state legal values arises from the nature of the value of law and the nature of the value of the state. State activity is limited or should be limited in a democratically oriented state by legal provisions. This again underlines the necessary link between the values of state and law. The non-democratic organization of power is not bound by law in its natural legal sense, but uses the image of law, imitating the existence of legal provisions.

However in the idealistic democratic state the legislation is bound to social values that objectively reflect the realities of social and economic life, and it is based on the values and principles of social partnership that allow civil society to emerge and act effectively in union with state and local bodies. Therefore social partnership is a gateway to social justice that is one of the most important ideals of a democratic state, as it sets humanitarian boundaries and guarantees the fairness of law (Peno, 2019) and it is understood through equal access to all rights and all ways to collectively and individually participate in all spheres of social and political life for all. Social partnership is believed to lead to creation of substantial legislation principles and must allow for the application of these principles, restore unity of law and justice (Kapelouzos, 2018).

7. Conclusion

In conclusion a classification of the value foundations of social partnership between a person and the state must be given as values are the basis of all actions and core of social partnership. The first group of values is those common to all mankind, traditional, associated with ensuring the life of a person as a socio-natural being. These values are expressed in modern terms as the values of natural law and are reflected in the Chapter 2 “Rights and freedoms of men and citizen” of Constitution (Constitution of the Russian Federation of 12.12.1993). The second group of values reflects the conditions of the organization of social partnership and integrates social, material, moral and spiritual values of the person exemplified in

specific stages of society and state development. These are the values of preserving one's own personal identity in the digital age. The third group of values reflects the goals and ideals for which a person is oriented in the short and strategic perspective. These are the values of preserving health and well-being, the quality and longevity of a person's life and forms and the creation of a comfortable environment for self-realization of a person as a developing, creative, intellectual, and highly cultured being. The mentioned values presumably must serve as the foundation of social partnership models in modern society to achieve the goals set out and to effectively and timely deal with the challenges to come.

References

- Badigannavar, V. (2016). Is social partnership the way forward for Indian trade unions? Evidence from public services. *International Labor Review*, 156(3-4), 367-394.
- Baranov, P., & Ovchinnikov, A. (2016). Spiritual sense of the right in the legal hermeneutics. *Social Sciences (Pakistan)*, 11(13), 3366-3369.
- Constitution of the Russian Federation of 12.12.1993. <http://kremlin.ru/acts/constitution>
- Kapelouzos, I. (2018). The design of jurisprudence on environmental protection and sustainability by the Hellenic supreme administrative court and its relation to the classical Greek value system. *Designology: Studies on Planning for Action*, 22, 140-154.
- Kuznetsov, V. (1989). *German classical philosophy of the second half of the 18th - Early 19th centuries*. Higher School.
- Peno, M. (2019). Philosophy of punishment: Normative models and construction principles of legal systems. *Zbornik Pravnog Fakulteta u Zagrebu*, 69(3), 411-432.
- Rostova, O. (2013). Constitutional and legal protection of the family institution: History of the issue. *Law. Legislation. Personality*, 2(17), 17-19.
- Rostova, O. (2017). On the implementation of the state program of maternity (family) capital. *Administrators of the Court*, 4, 13-17.
- Rybakov, O. (2004). Personality and state: Basic approaches to the concept of social partnership. *State Power and Local Self-Government*, 5, 39-43.
- Tsintsadze, N. (2015). Correlation of state-legal values and priorities in the axiology of state and law. *Leningrad legal Journal*, 2(40), 43-52.
- Ustinovich, E. (2019). Digitalization of the social sphere in Russia. *Social Policy and Social Partnership*, 2, 32-36.
- Zaibert, L. (2016). Rules, games, and the axiological foundations of (international) criminal law. *International Criminal Law Review*, 16(2), 346-360.