

UDC: 353.1:321.7

**Solovyov Yevhen Vladimirovich,**  
*Graduate student of the Dept. of Political  
Analysis and Forecasting, National Academy  
of Public Administration under the President  
of Ukraine, 03057, Kyiv, Str. Sofiia  
Perovska, 5, 10th floor, k. 1000, tel.: (097)  
667 84 94, e-mail: ljuka76@bk.ru*  
ORCID: 0000-0002-1463-646X



**Соловйов Євген Володимирович,**  
*аспірант кафедри політичної аналітики  
та прогнозування, Національна академія  
державного управління при Президентові  
України, 03057, м. Київ, вул. Софії Перов-  
ської, 5, 10 поверх, к. 1000, тел.: (097) 667  
84 94, e-mail: ljuka76@bk.ru*

ORCID: 0000-0002-1463-646X

**Соловьев Евгений Владимирович,**  
*аспірант кафедри політичної аналітики і прогнозування, Національна ака-  
демія державного управління при Президенті України, 03057, з. Київ, ул. Со-  
фії Перовської, 5, 10 етаж, к. 1000, тел. : (097) 667 84 94, e-mail: ljuka76@bk.ru*  
ORCID: 0000-0002-1463-646X

---

## CIVIL SOCIETY INSTITUTIONS IN THE INTERNAL MECHANISM OF STATE REGULATION OF FORCED MIGRATION

**Abstract.** The democratic transformation in Ukraine directly or indirectly linked to the involvement of civil society in the system of state regulation mechanisms in various spheres of society. One of the topical issues of state regulation that requires the involvement of civil society is forced internal migration. In particular, the task becomes particularly important study forms of cooperation of civil society with government agencies in the field of internal forced migration.

**Keywords:** forced internal migration, the migration process, the subject of state regulation powers, cooperation, civil society.

### ІНСТИТУТИ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА В СИСТЕМІ МЕХАНІЗМІВ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ВНУТРІШНЬОЇ ВИМУШЕНОЇ МІГРАЦІЇ

**Анотація.** Демократична трансформація в Україні прямо чи опосередковано пов'язана з залученням інститутів громадянського суспільства до

системи механізмів державного регулювання в різних сферах життєдіяльності суспільства. Однією з актуальних проблем державного регулювання, яка потребує залучення інститутів громадянського суспільства, є вимушена внутрішня міграція. Зокрема, особливої ваги набуває завдання дослідження форм взаємодії інститутів громадянського суспільства з державними органами у сфері внутрішньої вимушеної міграції.

**Ключові слова:** внутрішня вимушена міграція, міграційний процес, суб'єкт державного регулювання, повноваження, взаємодія, інститут громадянського суспільства.

## **ИНСТИТУТЫ ГРАЖДАНСКОГО ОБЩЕСТВА В СИСТЕМЕ МЕХАНИЗМОВ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ВНУТРЕННЕЙ ВЫНУЖДЕННОЙ МИГРАЦИИ**

**Аннотация.** Демократическая трансформация в Украине прямо или косвенно связана с привлечением институтов гражданского общества к системе механизмов государственного регулирования в различных сферах жизнедеятельности общества. Одной из актуальных проблем государственного регулирования, которая требует привлечения институтов гражданского общества, это вынужденная внутренняя миграция. В частности, особое значение приобретает задача исследования форм взаимодействия институтов гражданского общества с государственными органами в сфере внутренней вынужденной миграции.

**Ключевые слова:** внутренняя вынужденная миграция, миграционный процесс, субъект государственного регулирования, полномочия, взаимодействие, институт гражданского общества.

---

**Target setting.** One of the important results of the twentieth century in the Western countries — a heritage — that was received by considerable human effort and manpower, is a relative, but confident advantage of the democratic model of social and political institutions as well as the relationship between executives and those who are governed. This advantage, which identifies priorities in the long term, is primarily in the flexibility and elasticity of social interactions, which ensured through effective feedback. But this two-way interaction of public

authorities and local governments with civil society institutions, unfortunately, is not yet a reality in the regulation of the problems of forced migration. The main reason for this state of affairs is the lack of appropriate mechanisms for state regulation in this area. Under these conditions, it seems necessary to provide theoretical justification for the participation of civil society in the development of the necessary mechanisms of state regulation of the forced internal migration.

**Analysis of recent studies and publications.** A basis for informed decision

on participation of civil society institutions in the functioning mechanisms of state control in the internal of forced migration builds on scientific findings on the principles of public involvement in governance, proposed in the works of I. S. Abram'yuk, E. A. Hetman, A. F. Caras, V. O. Kornienko, N. A. Latyhinoy and others. Meaning-creating importance of the conclusions of the UN is ensuring the basic human rights. However, there will not be a mistake to conclude, that the overall use of a new approach to the involvement of civil society institutions in government regulation regarding forced migration is still ignored by theoretical studies.

**The purpose of the article** is to make an attempt to highlight theoretical foundations of civil society participation in the system of internal mechanisms of government regulation of forced migration.

**The statement of basic materials.** First of all, we note, that the universal model of democracy, which ought to be implemented in the political and legal relations of modern states, still does not exist. And yet, according to Latyhina N. A., Doctor of Political Sciences, who investigated the nature and trends of modern democracy, the main contradiction of democracy is the relationship between the idea of democracy, as the sovereignty of the people, and the possibility of its practical implementation [7, p. 26]. In terms of state governance, it is a manifestation of differences in the mechanisms, implemented by the government for building a democratic system. Thus, in accordance with Article 1 of the Basic Law, Ukraine is a democratic state [5]. This rule is the principle while at the same time is pe-

netrating the purpose of state regulation of social relations. Since the transition from repressive type of government to democratic should be aimed at the consistent transformation of the society that will properly integrate and establish the values of human rights and the rule of law. [3] This change cannot be instantaneous, it's a long process aimed at the formation of Ukraine as a democratic state. The key to of the successful process of democratization is its support by reforms which optimize the participation of civil society in management of public affairs, which in turn is implemented through the mechanisms of government regulation in all areas of public relations, including forced migration.

As stated in the National Strategy for Civil Society Development in Ukraine for 2016–2020, its adoption "... due to the need for the state to create favorable conditions for the development of civil society, various forms of participatory democracy, establishing effective public interaction with public authorities and local governments" [10]. That is, the democratic transformation in Ukraine directly or indirectly linked to the involvement of civil society in the regulation.

The state regulation of forced internal migration requires implementation of urgent social changes, which are actually expressed in the introduction of a new type of management of public affairs in this area.

It is essential to draw attention to the fact that the status and functioning of civil society in general is a subject to research by various social sciences, depending on which, their attitude to it will vary.

Thus, Karas A. F. in his work "Philosophy of civil society in the classical theories and non-classical interpretations" emphasizes, that the development of civil society is going on simultaneously in the social sphere as the transformation from man-subject to man-citizen who has the constitutional freedoms and rights, and in the public and legal field by the rule of law, guaranteed constitutional freedoms and the separation of powers [4, p. 483].

Solyar S. has attempted to group approaches to the definition of civil society as follows:

1) broad approach, proponents of which under civil society understand certain stage of development of any society that has reached a certain level of self-organization, degree of development of democracy, realization of the rights and freedoms of man and citizen, performance of citizens their political duties (supporters of this specified approach are R. Aron, V. Havel, E. Helner, D. Cola, K. Popper and others.);

2) approach, within which under the civil society is understood the set of all the parastatal social relations that are realized in the activities of civil society and political parties, public organizations, initiatives, social movements, non-governmental media which carry a decisive influence on the activities of public government and oppose it in case of increasing authoritarian tendencies (supporters of this approach are R. Dal, H. H. Dilihensky, D. T. Zhovtun, A. A. Zinoviev and others.);

3) approach, according to which the aspects of life are the following: public (sphere of realization of general public interest in the functioning of public authorities), economic (which is the

implementation of purely economic interests and development of which is possible both in terms of the presence of civil society, as well as in its absence or weakness), family area, public – the scope of free communication of society members to implement a specific common interest and freedom (supporters of this approach are A. A. Arato, A. F. Kolody and others.);

4) approach, in which civil society is not only the scope of relations that exists within the national state, but also a global civil society (supporters of this approach are T. V. Belska, Y. M. Reznick, I. V. Tsyro and others.) [11, p. 275].

We agree with the interpretation by V. O. Kornienko regarding the nature of civil society as complex social relations, the system of public interests (economic, social, political, religious, spiritual, family, cultural and others), which express diverse values and needs of members of society [6, p. 213]. This approach to the analysis of civil society makes it possible to conclude, that it should reflect the civil relations, relating to all areas of human life, including internal forced migration. The institutions of civil society have to pay attention of the state authorities to problems and gaps that are found in the functioning mechanisms of state regulation of forced internal migration.

In this context, we pay attention to the conclusions made by Hetman E. A. and Mernik A. M. concerning modern theoretical and legal concepts of civil society. Thus, scientists noted that the law-based state does not oppose civil society, and creates the most favorable conditions for its normal functioning and development [2, p. 9]. There are a

number of scientific questions towards this definition, in particular, Is it possible to get the normal functioning of the mechanisms of state regulation without creating favorable conditions for public participation in state governance?

Involving the institutions of civil society to the state regulation of internal forced migration meets the general trends of the development of state governance.

Thus, according to the National Strategy for Civil Society Development in Ukraine for 2016–2020, systemic government support of civil society should be carried out in the following areas:

- creating favorable conditions for the building and the institutional development of civil society organizations (improvement of the legal status, order of creation, organizing the activities and termination of self-organizing communities of society, expanding their powers to participate in solving local problems; legislative level issues requiring mandate planning in State Budget of Ukraine and local budget expenditures to make the provision on the competitive basis the financial support for the implementation of the programs (project implementation, activities) developed by civil society organizations, etc.);

- ensuring effective procedures for public participation in the formulation and implementation of state, regional policy, resolving issues of local importance (fixing legislation in order: carrying out by the authorities of executive bodies, local government consultations with the public on the draft of legal acts during their development with

the establishment of an exhaustive list of cases, where such consultations are not held, and a mechanism to prevent violations of mandatory for such consultations; the definition of the procedure for public examination of activity of provisions of administrative services and activities of budget institutions that provide social services; guarantees the right of peaceful assembly with fixing an exhaustive list of grounds for restriction of assembly, etc.);

- stimulate the participation of civil society organizations in social and economic development of Ukraine (establishing, on a competitive basis, rules of identifying performers of national, regional and local targeted programs among civil society organizations and ensuring equal opportunities for participation in such competitions; providing civil society organizations, which provide social services through budgetary funds, the right to use state and municipal property on favorable terms; etc.);

- enabling environment for intersectoral cooperation (including to the curricula of secondary, vocational and higher education institutions courses and topics under civil society development; the introduction of training in higher and postgraduate education of specialists in management of NGOs, etc.) [10].

As for the involvement of civil society institutions to the state regulation of the internal forced migration, it seems necessary to implement and improve:

- mechanism for participation of public (expert) councils in the work of executive power bodies, competence of which applies to solving problems of internally displaced persons;

- procedures for a public expertise of activities of public authorities, anti-corruption public expertise of executive power bodies, competence of which applies to the problems of internally displaced persons;

- electronic participation of citizens in government regulation, including citizens with disabilities using assistive technologies;

- establishing cooperation between bodies whose competence extends on solving the problems of internally displaced persons with the media and so on.

About who is responsible for the cooperation with civil society institutions to optimize the state regulation of internal forced migration, which at the present time depends on solving the problem with the presence of an extensive system of state bodies whose competence includes solving various problems of internally forced displaced persons.

In a general sense, the term subject refers to a person, a group of persons or organization, who own an active role in the process or act; a person or organization as the bearer of certain rights and obligations [1, p. 1211].

Under the broad approach, the subjects of government regulation should be bodies of legislative, executive and judicial powers, as these bodies should ensure setting up the situation with the internal forced migration.

In a narrow sense, the subjects of state regulation act as executive power bodies (Cabinet of Ministers of Ukraine, ministries and other central bodies, local authorities), local governments (on the delegation of state authority), the administration of state

enterprises, institutions and organizations and their officials whose competence include: planning, procurement, implementation, monitoring the rights of internally displaced persons.

These bodies should exercise their powers in the area of state regulation of the internal forced migration, taking into account the provisions to ensure the participation of civil society institutions in the functioning mechanisms of state regulation, for example:

- 1) through consultation with the public on the formulation and implementation of public policy. The executive body, which is the main author of a legal act or prepares proposals for the implementation of the state policy in the field of forced internal migration, should:

- organize consultations with the public;

- disclose the information related to the organization and conduct consultations with the public in a specially created section "Public consultation" on the official website of the executive power;

- draw up an indicative plan for public consultations;

- submit to public council the drafts of relevant laws and regulations, as well as informational and analytical materials, and so on.

These are the steps that ensure public participation in public affairs;

- 2) formation of public councils at the central and local executive bodies and ensure their functioning. Thus, for the formation of the public council authority, the organ should, not later than 60 calendar days prior to the date, hold the constituent assembly to form an initiative group and provide their

training with the participation of the civil society institutions; no later than 45 calendar days before the constituent assembly mandatory disclose on the official website or other appropriate way prepared by a group and agreed with the notification of the date, time, place, process of conducting the constituent assembly, the procedure for submitting applications for participation in the constituent assembly, information about the initiative group and last name, first name, email address and phone number of the responsible person, etc. [8];

3) support of civil society institutions in the conduct of public expertise concerning state regulation of the forced internal migration, and if requested, by their written request corresponding to the set form. Promoting for the executive body is expressed in the habeas corpus (orders) in providing expertise and taking actions, related to the preparation of materials with the last name, first name, middle name and position of the person(s) responsible for linking with the civil society institution, public council, the contents of which informs the civil society institutions, public council that initiates public expertise within three days of its publication; other actions envisaged by the Cabinet of Ministers of Ukraine “On approval of the promotion of civic expertise of the executive power” [9].

It seems appropriate, to make a detailed theoretical study of the bodies of executive authority on cooperation with the civil society institutions and outline procedures of such cooperation in the relevant laws. In this context, one should refer to the effective practice in Poland in the area of building

partnership between the state and civil society. Accordingly, the public authorities of Poland have implemented the following activities to ensure the participation of civil society in government regulation:

- establishing The Civic Initiatives Fund – the government program that aims to support community initiatives;
- concluding an instrument by state authorities on supporting the activities of the institutions of civil society;
- adoption of laws “On public benefit and volunteerism”, “On lobbyist activity”, and “On Funds”;
- budgetary support for non-governmental organizations;
- establishing the Department of State patronage of the Ministry of Culture and National Heritage under the tradition of virtue;
- ensuring the participation of human rights non-governmental organizations in monitoring the activities of public authorities;
- establishing the Polish Council for socially useful activities according to the law “On public benefit and volunteer work”, is authorized to monitor its implementation;
- allocated parliamentary committee that drafts legislation for the activity for civil society organizations.

In general, as noted by V. Sukhenko, the state and civil society in Poland are linked closely, but not subordinated: civil society is a product of power, it forms spontaneously, in turn, the state regulates the activity of civil society institutions, supporting their development [12, p. 88].

**Conclusions and recommendations for further research.** Democratic transformation of Ukraine directly or

indirectly linked to the involvement of the civil society in the government regulation. One of the priority areas of the state regulation that requires the involvement of civil society is the forced internal migration. The proposed establishment of a permanent advisory body under the Cabinet of Ministers of Ukraine, which will ensure public participation in government regulation in all areas, including the forced migration.

It seems reasonable to make further studies in the participation of civil society in the functioning mechanisms of state regulation of the forced internal migration, in particular through separation of form and functions of such participation.

## REFERENCES

1. *Great* Interpretative Dictionary of Modern Ukrainian / way. and head. Ed. V. T. Busel. — K.; Irpen: WTF “Perun”, 2003. — 1440 p.
2. *Hetman E. A.* Modern theoretical and legal concept of civil society // Lawyer of Ukraine. — 2011. — № 3. — P. 5–9.
3. *Report* of the United Nations High Commissioner for Human Rights “A study on common problems faced by states in their efforts to ensure democracy and the rule of law from a human rights perspective” [Electronic resource]. — Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/188/50/PDF/G1218850.pdf?OpenElement4> (accessed 15 March 2017).
4. *Karas A. F.* Philosophy of civil society in the classical and non-classical theories of interpretation: monograph / A. F. Karas — Kyiv; Lviv, “Publishing center of Ivan Franko LNU”, 2004. — 520 p.
5. *The Constitution* of Ukraine, Law of Ukraine of 28.06.1996 number 254k/96-VR // Supreme Council of Ukraine. — 1996. — № 30. — 141 p.
6. *Kornienko V. O.* The institutions of civil society and the Ukrainian state, legal origins // Actual problems of law. — 2006. — Vol. 29. — P. 210–214.
7. *Latyhina N. A.* Democracy: the nature, and mechanisms of modern world trends. — dis. on zdob. nauk. art. d. Pol. N. on spec. 23.00.02. — Political institutions and processes. — Institute of Political and Ethnic Studies named after I. F. Kuras National Academy of Sciences of Ukraine. — Kyiv, 2010. — 36 p.
8. *On ensuring* public participation in the formulation and implementation of government policy: Cabinet of Ministers of Ukraine of 3 November 2010 r. № 996 // Official Bulletin of Ukraine. — 2010. — № 84. — 36 p.
9. *On approval* of the promotion of civic expertise of the executive: Cabinet of Ministers of Ukraine of 5 November 2008 r. № 976 // Official Bulletin of Ukraine. — 2008. — № 86. — 100 p.
10. *On the promotion* of civil society in Ukraine: President of Ukraine Decree of 26.02.2016 № 68/2016 // Official Journal of the President of Ukraine. — 2016. — № 7. — 32 p.
11. *Solyar S.* Civil society: General Approaches to the definition // Bulletin of the Academy of Sciences of Ukraine. — 2013. — № 1. — P. 271–279.
12. *Sukhenko V.* Relations between the State and civil society in Poland: experience for Ukraine // Theory and History of Public Administration. — 2015. — Vol. 3. — P. 82–90.