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# THE SIGNIFICANCE OF COERCION IN THE IMPLEMENTATION OF STATE ADMINISTRATION: THE LEGAL CHARACTERISTICS OF CONVICTION

## ABSTRACT

The article analyzes public administration as a complex process, the effectiveness of which must be ensured by a set of measures aimed at the state's performance of its functions. It is noted that the state is the organizer of social life, and it exercises its organizing influence through the exercise of power. That is, the state, through the adoption of laws, establishes norms of behavior in various spheres of society's life, and a person, obeying them, gets opportunities for development. However, not all citizens and persons who are in the territory of a certain state obey the legal state requirements, realizing the need to observe the established rules and models of behavior to achieve the common good. It is substantiated that legal nihilism, unlawful and deviant behavior, accompanied by the commission of a large number of offenses and crimes, negatively affect the state's ability to perform the functions assigned to it, to effectively carry out public administration. That is why today it is extremely important not only to find methods and methods that will increase the efficiency of state administration but also to find out their philosophical and legal foundations. This will make it possible to outline the philosophical foundations of the method or method itself, and will also help to reduce the level of its negative perception by society in general and by individual people or social groups in particular. In this context, it has been proven that one of such methods is state coercion as an activity of state bodies and officials authorized by law, which is carried out by influencing the physical, mental, organizational, or property state of legal subjects, with the aim of universally binding conscious fulfillment of requirements law, restoration of violated rights, as well as preventive activities of law enforcement agencies. On the basis of the conducted analysis, the data of the study were systematized, according to which the purpose of applying state coercion is to restore violated rights. That is when one person violates the rights and freedoms of another person or group of people, the state is obliged to respond to such actions. The state's reaction should be to restore the violated rights and freedoms as soon as possible and apply appropriate coercive measures to the offender.

**Keywords:** state, society, state administration, person, citizen, human rights, coercion, legal relations, law

**JEL Classification:** I38, J17, J44, J53

## INTRODUCTION

The problem stated in this article is relevant given the fact that, nevertheless, the role of coercion in the implementation of public administration consists not only in interpreting coercion as one of the methods of public administration but also in understanding it as a preventive measure that helps: 1) to prevent a person who has already committed a crime from committing a greater number of illegal actions; 2) to form a negative attitude of society towards such actions; 3) to educate pupils and student youth in the spirit of respect for the law, the rights and freedoms of other people, to instill faith in the values of civil society and the rule of law; 4) to create in people the need to deliberately act lawfully in exchange for guarantees of protection, security and support from the state. In this context, it should be noted that the ability to influence the population of the entire country is the prerogative of the state. Through the system of bodies and

institutions, it has the means to influence people. Thus, obedient behavior is formed through the influence of educational institutions of various levels, with the help of national action plans, promotion of certain values at the national level. It is common knowledge that it is easiest to establish certain values in childhood, but it is necessary to cultivate them throughout life. This will enable a person to adequately respond to certain innovations in social life, accept or reject them, based on his own value system and personal priorities.

## LITERATURE REVIEW

The scientific problem stated in the article was studied by many Ukrainian and foreign scientists and scientists. We will highlight some of them separately, for example, Arlamov O. & Zerkalov D. (in particular, in their monograph, the authors summarized and systematized the international and domestic experience of social protection of the individual and society in conditions of sustainable development, and also considered the theoretical foundations and state of social security, social protection of various strata of the population, etc.) Kalyuzhny R. & Korovaiko A. (in their article, they analyzed the views of Ukrainian scientists regarding the mechanisms of formation of national legal ideology in the conditions of globalization transformations of the national legal system of Ukraine), Koval L. (to a certain extent, according to his conviction, state coercion is a tool for motivating compliance with legal norms and the implementation of lawful behavior, therefore they should be grouped according to the sphere of influence on a person), Romanova A. (which, to some extent, in her scientific research, substantiated the law-breaking behavior of a person as a violation of normative and value stereotypes), and other authors conducted their research in this or a similar direction. It is also necessary to note a number of foreign authors who, to one degree or another, touched on the issues of the subject of our research in their works. In particular: Galligan D.J. (draws attention in his article to issues regarding law: one is that there are several other types of law aside from state law, and the other is that law has the tendency to become coercive. The issues are related since law has almost always been linked with the sovereign, and this draws attention away from other forms of law. These issues bring about the notion that law is a coercive order that is controlled by the sovereign state to cater to its interests) [14], Ronzoni M. (states in his article that according to much of self-labeled coercion theory, the state is both the ground of egalitarian demands of distributive justice and the (sole) domain to which such demands apply, in virtue of its exercise of coercive power which only distributive equality can justify) [15], Malone M. A. & Hildebrand S. (demonstrated in their study that, according to their analysis, coercive threats play no role in the actions and attitudes of local emergency management professionals when they report compliance with federal policy requirements) [16]. Also, Morris C. [17], Luna S. [18], Barnes B., Myers B., Pond R., & Meyer K. [19], Asilyan L. V., Necrasova I.E. [20], who in their studies were inclined to believe that State power is widely thought to be coercive. The view that governments must wield force or that their power is necessarily coercive is widespread in contemporary political thought.

At the same time, there are still many unexplored areas, so it is advisable to study and investigate issues that have not yet been the object of research. In particular, the fact that both human and material resources are necessary for the implementation of state administration in the field of state coercion. Human resources can be divided into two categories: those who apply specific methods and those to whom they are applied. However, such a division is rather conditional, since the application of the methods affects those who apply them in the order established by law, and primarily due to the psychological impact on the human consciousness. A material resource is a set of means (physical, economic, psychological) with the help of which an influence is exerted on a person to form lawful patterns of behavior in him.

## AIMS AND OBJECTIVES

The purpose of the article is to study public administration as a complex process, the effectiveness of which must be ensured by a set of measures aimed at the state's performance of its functions, including through the use of coercion. For this, it is necessary to solve a number of issues: outline the role spectrum of the interactive/interpassive components of various links of the system of state coercion at the current stage of the development of society; prove that the axiological dimension of state coercion is manifested in the ability, with the help of its legal institutions, to contribute to the formation of social values that establish the social order that is able to ensure the functioning of the existing social system.

## METHODS

To solve all aspects and dimensions of the scientific problem proposed in the article, the following research methods were used in particular: general scientific, theoretical, and empirical, verification and refutation of hypothesis and theory, description, explanation, comparison, systematic and formal, generalization, and systematization. All these listed methods

made it possible to structure state coercion as follows: mental coercion; physical coercion; coercion is symbolic; to find out the worldview concepts of state coercion as the implementation of legal educational influence and the legal educational process; to systematize modern problems of implementation of coercion in Ukraine in its temporal and spatial discourse; to compare the current legislative norms regulating the use of coercion during the study of international experience on the subject of the article; to find out the principles of state coercion within the temporal and spatial components of legal relations, etc.

## RESULTS

At the legislative level, state administration is defined as "a type of state activity, which consists in exercising managerial, i.e., organizational influence on those spheres and branches of public life that require certain state intervention through the use of executive powers" [1]. The state acts as an organizer of social life, and it exercises its organizing influence through the exercise of authority.

State coercion is, first of all, a peculiar method of ensuring social security. Social security, as noted by domestic scientists D. Zerkalov and O. Arlamov, is "a set of measures aimed at protecting the interests of the country and the people in the social sphere, at the development of the social structure and relations in society, the system of life support and socialization of people, and the way of life, respectively to the needs of progress, current and future generations" [2, p. 3]. A person cannot feel completely safe only when his state is not at war with anyone, and the possibilities of terrorist attacks are reduced to a minimum. This is only one aspect of human security. A sense of complete security gives order to the social sphere of a person's life when he is aware of the presence of opportunities created and guaranteed by the state for socialization and development of himself as an individual.

L. Koval calls state coercion a traditional way of "guaranteeing the main priorities of public security - life, health, the well-being of a person, his vital goods, public (legal) order, national security." So, he adds that it (state coercion) needs to be improved in every possible way both from the point of view of law enforcement and from the point of view of "strengthening the law enforcement efforts of the state, the appropriate methods and principles of legality" [3, p. 6]. The emergence of dangers is a challenge for the state, and state coercion serves as a response to these challenges. Not only the ability to eliminate dangers arising in society will depend on the effectiveness of state coercion, but also preventive activities to prevent people from committing actions that contradict the requirements of the law and universal moral and ethical norms that are its basis. This will become one of the indicators of the quality of the functioning of the state, and its efficiency.

If we talk about the temporal and spatial characteristics of coercion in the implementation of public administration, it is advisable to use certain criteria to form the most complete characteristics. Given the subject and object of our research, the following criteria are purpose and time of application, nature of adverse consequences, and functional orientation.

The time of application of state coercion is the period during which a set of actions aimed at achieving the goal of state coercion takes place. Here we can include the time to prevent the commission of illegal actions, to stop violations of the norms and prescriptions established by the law.

The nature of the adverse consequences of the use of state coercion lies in the fact that it is the offender who experiences certain oppression and restrictions due to his behavior. Oppression can be physical, psychological, or material. Here the direct nature of the action of state coercion is manifested. Infringed rights are subject to mandatory restoration, and this process has negative consequences only for the person who committed the wrongful act.

The functional focus of the use of state coercion is its preventive function. Note that the purpose of state coercion is not only to restore violated rights and freedoms, punish the guilty, but is also an educational and preventive measure. By enforcing coercion, the state demonstrates not only the availability of mechanisms, forces, and means for restoring violated rights or punishing offenders, that is, it shows opportunities in the field of guaranteeing security. At the same time, it performs an educational function, showing that illegal actions are unacceptable and will definitely be punished.

State coercion is designed to protect not only human rights and freedoms but also the established social order. According to A. Shevchuk, "state coercion manifests itself most vividly precisely in the protective function since it ensures the safe functioning of the entire society, and during the construction of a legal state, its coercive aspect is filled with new meaning. It is in the rule of law that the legal forms of the implementation of state functions acquire primary importance because they represent activities related to the implementation of legally significant actions in a manner clearly defined by law" [4, p. 90].

Coercion, according to K. Tyshchenko, is "one of the attributes of state power, a tool for ensuring compliance with the prescriptions of legal norms by all representatives of society. On the one hand, coercion is an authoritarian phenomenon, but at the same time, it is a necessary method for ensuring public safety, law and order, property, rights and interests, normal conditions for the functioning of the apparatus of public power" [5, p. 220].

The state, through the system of bodies and institutions in accordance with the procedure established by law, has the exclusive right to use coercion. People delegated this right to the state in exchange for guarantees of security and strict observance of their rights and freedoms. By applying methods of persuasion and coercion, the state gets the opportunity to influence people's behavior. With the help of the method of persuasion, psychological influence is exerted on a person with the aim of forming actual motives and incentives to act in accordance with the law. The coercion method allows not only to stop offenses and restore violated rights but also helps to prevent the commission of illegal actions in the future. The purpose of using both of these methods is to involve as many people as possible in lawful behavior.

The method of persuasion is used in parallel with the method of coercion in public administration. The method of persuasion is a method of public administration, the essence of which is to shape people's behavior by influencing their consciousness with the help of specific measures (education, training, explanatory and campaigning work, etc.).

As a matter of fact, persuasion is an influence on a person that has an educational character and is carried out by appealing to a person's consciousness and feelings in order to form in him a conscious attitude to certain realities of social life. Today in science there is a division of persuasion into 1) a method of influencing the subject with the aim of forming certain properties in him and 2) a mental property of the subject.

As a method of influencing the subject, persuasion is used in educational and educational activities and in public administration. Conviction in educational activities affects the process of formation of people's attitudes to act in accordance with the requirements of the law. If a child lives in an atmosphere of respect for the law from an early age, and parents and later teachers demonstrate this by their example and actions, then the child will be convinced that this is exactly what should be done. As the domestic researcher N. Strelnikova notes, "the respect and unity of parents' requirements for the child, the ability to agree on educational decisions and implement them is an indicator of a high level of parental influence on children. The best human qualities - sincerity, empathy, mutual help, tenderness, and attention to the feelings of another person - are formed under the influence of parental love and reasonable demands. Scientists have proven a natural connection between the moral upbringing of children and the nature of the relationship between parents" [6]. Moral education later develops into a conscious need for legal and moral behavior, which will be based on a stable personally developed, and formed value system.

In public administration, its purpose is reduced to the formation of a person's urge to perform certain actions beneficial to society and the state. The necessary information is provided to people in such a way that most of them begin to act using legitimate models of behavior, comparing them with their own system of moral and ethical values and norms and realizing the necessity of their actions in order to achieve the common good and create conditions for a sufficient standard of living for all members of society. As A. Korovayko notes, the essence of the method of persuasion is a system of methods of legal content applied by executive authorities, which are manifested in encouraging, explanatory, and educational measures to form subjects and objects of management understanding of the need to fulfill the prescriptions of regulatory acts [7, with. 70].

As a mental property of an individual, beliefs represent knowledge that shapes a person's worldview. This knowledge became the basis of the worldview after a kind of "check" in life, that is, during specific life situations in which a person made a choice. When making a choice, a person allows or forbids certain actions based on his own values. Therefore, "a person's convictions, based on high moral criteria of duty, responsibility, and conscience, become the most important driving force of active socially legitimate behavior of a person in the natural and legal space" [8, p. 93].

The legitimate behavior of a person, which is formed under the influence of the persuasion method, is characterized by a number of psychological signs. These signs are evidence of a person's mental and moral maturity and also demonstrate his readiness for further development and self-improvement. Researcher I. Polonka includes the following signs: – awareness of the legality of one's actions. In this sense, it is assumed that the individual has a detailed knowledge of the requirements of the legal norm, on the basis of which he models his behavior (which, of course, is desirable), or knowledge of the basic principles according to which he acts; – real and potential control of a person's consciousness, which can be carried out both by society itself and by the state and, accordingly, has a positive effect on a person's consciousness; – conviction, i.e. the subject's deep and well-founded confidence in the need to act lawfully, motivation for lawful behavior; – goal-directedness of lawful behavior, which implies the desire of a person in the process of lawful activity to achieve relevant goals useful for society and for this individual; – volitional nature of the action, which is manifested in self-

determination and self-regulation by the subject of his activity; – a sign that characterizes the subjective side, which consists of motives and goals, the degree of awareness of the possible consequences of an act and the individual's internal attitude towards them [9, p. 134].

Taking into account these signs, we can state that conscious lawful behavior is characteristic of individuals who are characterized by their own well-founded system of moral principles, are guided by it in their behavior, and strive for constant development in accordance with the development of society, accepting or rejecting its innovations.

The application of such differentiation of belief (as a method and as a mental property) makes it possible to interpret state coercion as a process of interaction between the state (through the activity of legally authorized bodies and persons) and the individual, the task of which is to form lawful behavior in as many people as possible.

Conditionally, we will distinguish three stages of application of the persuasion method, each of which performs a certain function and acts as a basis for the next stage, namely: 1) explanation; 2) direct persuasion; 3) proof.

The first stage - explanation - is a simple story about a subject, social phenomenon, or event, the task of which is to familiarize the audience with it in general terms. At this stage, people are being prepared for the perception of deeper material, and attention is focused on stirring up internal psychological reactions and readiness to work with the received information. As for the performed functions, this stage primarily performs a descriptive function.

The stage of direct persuasion covers specific aspects of the issue that need to be resolved through the appropriate reaction of people - taking specific actions and following certain patterns of behavior, using appropriate methods and technologies. Its purpose is to create incentives for people to realize the need to act legally. How effective it will be depending primarily on the audience to which the persuasion is applied, and in particular on the stability of its value system and readiness to accept something new, which may provoke the need for a deeper analysis of the motives and grounds of one's behavior. This stage performs a worldview function, as it is influenced by a person's worldview, the system of his or her value orientations.

Proof is the process of substantiating a certain position to give it a complete systemic appearance and appealing to specific feelings and desires of a person in order to motivate him to specific actions that are embodied in lawful behavior. This stage serves to perform a socializing function, contributing to the improvement of the level of education of people and their socialization.

Each of these stages is important and cannot exist without the other two. Using the method of persuasion in public administration, it is expedient to be guided primarily by the interests of society. This will make it possible to identify problems existing in society at a specific time, to investigate them, and to find solutions.

Applying the method of persuasion in public administration, one can in a certain way change, partially correct a person's value orientations, his worldview, and attitude to some aspects of social life. In order for the use of the persuasion method to bring the expected effect, it is necessary to present the necessary information in a reasoned manner so that it affects the axiological sphere of human activity, thereby provoking internal urges to act lawfully.

The methods of persuasion and coercion are peculiar tools for the implementation of public administration, thanks to the use of which its goal is achieved [10, p. 5; 11, p. 34; 12, p. 4; 13, p. 250]. If we briefly characterize the purpose of using these two methods - the formation of lawful behavior, then we can highlight the following characteristics:

- the social utility of using methods of persuasion and coercion consists in involving the largest possible number of people in lawful behavior. The method of persuasion offers a personal model of behavior that will guarantee their protection from the state. The coercion method is a forced act, the state's reaction to encroachment by one person on the rights and freedoms of another person. The use of coercion can be a kind of argument for the method of persuasion. The joint effective application of these two methods will enable the state to create conditions for personality development and provide people with a decent standard of living;
- a person's awareness of the need to observe lawful patterns of behavior. There are many reasons for people's lawful behavior, one of which is the fear of punishment and public condemnation. However, if a person has realized the need to comply with the requirements of legal norms and consciously observes them in his behavior, then his value for society and the state will be enormous, because when he performs actions (regardless of the sphere of life), he will consider his actions, understand their possible consequences for himself and others people and, most importantly, will be ready to take responsibility for their consequences;



- the voluntariness of lawful behavior shows that a person independently has the right to choose a model of behavior without outside influence and must be ready to be responsible for it. A person himself decides whether he will be influenced by the arguments involved in the persuasion method, or whether he will realize that the application of state coercion to him was a response to his illegal behavior. The conclusions drawn by her will become the basis for further lawful or unlawful behavior;
- mass is a sign that characterizes the quantitative indicator of citizens who act lawfully. In general, despite the significant number of crimes committed, the majority of citizens still comply with the requirements of the law, and many persons who have been subjected to state coercion do not allow repeated violations of legal norms. This is evidence of the effectiveness of the use of methods of persuasion and coercion in public administration;
- dynamism. This essential characteristic shows a person's readiness for partial changes in his behavior in connection with the development of society and the state. The development of society also requires the introduction of changes to legal acts that must adequately regulate new social relations. It is clear that the system of state coercion is also undergoing changes, which are primarily intended to form a person's understanding of the need to comply with the norms of the law and act lawfully. Only after realizing this, a person will not violate the law under any circumstances, but will look for an opportunity to act in accordance with the law;
- double compliance - with legal norms and moral norms. Since lawful behavior is behavior that is characterized by compliance with legal norms, it also complies with the requirements of morality as the primary regulator of social life, which became the basis for law. Human actions that are punishable by law are also condemned by moral norms. It is this that brings together the public and private spheres of human life, making law and morality the only foundation, the basis of human actions;
- authorization by the state. Through the system of normative legal acts, the state forms certain models of behavior that are approved by society. The method of persuasion acts as a means of incitement to commit lawful actions. Another means to achieve law-abiding behavior among the general public is the exclusive right of the state to use coercion, which through certain restrictions demonstrates the impossibility of committing illegal actions;
- regularity of law enforcement. The coercion method is used in cases clearly defined by law and is strictly regulated. The method of persuasion is also carried out within certain frameworks, which clearly outline techniques and methods prohibited for use on people, as they may pose a direct threat to their mental health;
- the social conditioning of lawful behavior consists in the necessity of the existence of a system of regulation of social relations to maintain balance in the state. Law became such a system. Man delegated certain of his rights to the state, receiving in return guarantees of protection, security, and opportunities for development. Society adheres to established norms that guarantee its stability and provide opportunities for coexistence and interaction of people;
- positive assessment of society. Lawful behavior is positively evaluated by society, as it allows efforts and resources to be directed not only to the maintenance of law and order but to the development of the state itself.

The use of state coercion in accordance with the procedure established by law also has a favorable response in society, because it proves that the state has the power and means to guarantee the safety and protection of a person.

The specified characteristics affect not only the temporal and spatial aspects of the use of coercion in state administration but also its philosophical and legal foundations. Since state coercion and issues related to its application are directly related to such concepts as humanism, justice, human dignity, and legal awareness, outline the relationship between the "man - state", and "man - law", thereby raising these issues to problems of the philosophy of law.

Today, in the global practice of law enforcement, there is a trend towards its humanization. On the one hand, this is caused by an increase in the level of people's legal awareness and an increase in the number of persons who adhere to lawful patterns of behavior, and on the other hand, the development of society requires innovations that overestimate the severity and social harm of certain actions. The sphere of application of state coercion in Ukraine also needs to be reformed in the direction of its humanization. Because the attitude of the state (through the activities of authorized bodies and persons) toward people who have broken the law will be reflected in their further behavior and will help or, on the contrary, create obstacles to further socialization.

The category of justice is at the heart of law. Its meaning is most easily described by the thesis that the rights of one person end where the rights of another begin. Such a criterion as justice is extremely important and relevant in the process of applying state coercion, because it reflects the level of development of the legal system of the state, and acts as a guarantor of the adequacy of the punishment in accordance with the committed offense or crime. The application of the method of persuasion in this direction is intended to form and confirm in society the opinion about the justice of state laws and the actions of persons who, according to the law, have the right to exercise state coercion.

Human dignity is not the most negatively affected during the use of state coercion. Even if certain restrictions are applied to a person, he is guaranteed a specific set of rights and freedoms that give him the opportunity to feel like a person and to feel the care and protection of the state. Therefore, one of the directions that needs reforming today is the observance of the rights of prisoners and providing them with decent conditions of detention, primarily in terms of psychology.

Issues of legal awareness belong to issues of the personal sphere of a person's life. However, due to the possibilities of applying the method of persuasion, they can be counted among the spheres over which the state has influence. By applying the levers of influence (educational activities, legal education, state propaganda), it is possible to adjust the process of forming a person's legal awareness in a certain way, promote the awareness of a person of the need to act lawfully, and through the influence on the value sphere, encourage the formation of motives and incentives to perform actions within the legal field.

Relations in the systems "man - state" and "man - law" are studied from the beginning of their emergence. Questions related to the place and role of a person in the state, the importance of the state in a person's life, the ability of a person to influence law and state-making, and the justice of the law, are still not fully resolved, although they are investigated to the same extent by philosophers and jurists. The very fact of the existence of the state and its legal system testifies to the possibility of not only existence, but also the development of personality in the state, not only the declaration of guarantees of security and protection of the person, but also their real effect.

## DISCUSSION

Within the scope of the conducted research, several theses acquire a debatable nature. For example, the fact that a characteristic feature of the process of forming obedient behavior is the ability of the state to adjust the process of influencing a person. The need for correction is determined by the level of impact on a person. There is always the possibility of making changes to certain programs that will take into account the characteristics of the collective in which they are used, the degree of acceptance, and the results obtained. This necessitates constant scientific research aimed at researching the actual philosophical and legal aspects of specific phenomena and concepts. Thus, the study of these aspects will help clarify their worldview foundations and at the same time increase the level of people's perception. With this in mind, opportunities for future research are evidence of the relevance of certain topics for society. As long as the state exists, there will be people who will not recognize its value and role in human life and will disregard legitimate models of behavior and universal moral norms. With their behavior, which violates the law, they seem to challenge the state and society. Therefore, the search for new models for the use of state coercion and persuasion with the aim of conscious involvement in law-abiding behavior is relevant, especially in the process of building a legal state and civil society.

## CONCLUSIONS

In general, summing up, it is appropriate to note that the study of state-legal phenomena and concepts today should be conducted taking into account their philosophical foundations. This will make it possible not only to find out their worldview foundations, but also to reveal aspects that were not paid attention to before, but they can show ways to solve problematic issues and help overcome crisis phenomena in society.

Characterizing the methods of persuasion and coercion through the prism of philosophical and legal knowledge, it is necessary to note their following features: 1) the method of persuasion in modern Ukrainian realities can serve as a kind of guide to the ideas of humanism, thereby contributing to the humanization of national law in general and issues related to the use of state coercion, in particular; 2) with the help of the method of persuasion, using all its stages (explanation, own persuasion, and proof), it is possible to establish in society the opinion about the legal and moral grounds of justice, the criteria for recognizing certain actions of bodies and persons of the executive power as fair/unfair; 3) thanks to the use of methods of coercion and persuasion in public administration, the public opinion about the normative force of law is established. The legal system of the state as a set of legal norms creates a binding effect, i.e. forms lawful models of behavior that all members of society must follow; 4) the question of the philosophy of law about the nature and functions of positive law can be expressed in the presence of arguments for the method of persuasion regarding the need to comply with the prescriptions of normative legal acts; 5) the method of persuasion performs worldview, axiological and educational functions. The worldview function consists in the possibilities of forming in a person certain idea about state administration, the nature of social relations, the legal reality of the state, and the place of a person in them. The axiological function of the persuasion method helps to understand law as a value and to form one's own evaluative judgments about the main concepts of law (justice, legality, punishment, etc.). The educational function of this method is reduced to the educational

influence on human behavior through the formation of legal awareness. These functions are consistent with the functions of the philosophy of law and help to achieve the goal of applying the method of persuasion - influencing a person to form a conscious need to act legally.

On the basis of the above, a certain constant of the persuasion method is formed, which characterizes the purpose of using this method as fully as possible. So, the philosophical and legal constant of the method of persuasion can be defined as a controlled process of influence on the incentives available to the subject, the purpose of which is the formation of a conscious need to act lawfully, in accordance with the requirements prescribed in regulatory and legal acts.

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## ADDITIONAL INFORMATION

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## ЗНАЧЕННЯ ПРИМУСУ В РЕАЛІЗАЦІЇ ДЕРЖАВНОГО УПРАВЛІННЯ: ПРАВОВА ХАРАКТЕРИСТИКА ПЕРЕКОНАННЯ

У статті проаналізовано державне управління як складний процес, ефективність якого має забезпечуватися комплексом заходів, що спрямовані на виконання державою своїх функцій. Відзначено, що держава є організатором суспільного життя, а свій організуючий вплив вона здійснює через виконання владних повноважень. Тобто держава шляхом прийняття законів установлює норми поведінки в різних царинах життєдіяльності суспільства, а людина, підпорядковуючись їм, отримує можливості для розвитку. Однак не всі громадяни та особи, які перебувають на території певної держави, підкоряються законним державним вимогам, усвідомлюючи необхідність дотримання встановлених правил та моделей поведінки для досягнення загального блага. Обґрунтовано, що правовий нігілізм, неправомірний та девіантний поведінка, що супроводжується вчиненням великої кількості правопорушень і злочинів, негативно впливають на можливості держави виконувати покладені на неї функції, ефективно здійснювати державне управління. Саме тому сьогодні вкрай актуально не тільки віднайти способи й методи, які підвищують ефективність державного управління, а й з'ясувати їхні філософсько-правові засади. Це дасть змогу окреслити світоглядні основи самого методу чи способу, а також допоможе знизити рівень негативного його сприйняття суспільством загалом та окремими людьми чи суспільними групами зокрема. У цьому контексті доведено, що одним із таких методів є державний примус як діяльність уповноважених законом державних органів і посадових осіб, яка здійснюється шляхом впливу на фізичний, психічний, організаційний чи майновий стан суб'єктів права, має на меті загальнообов'язкове свідоме виконання вимог закону, відновлення порушених прав, а також превентивну діяльність правоохоронних органів. На основі проведеного аналізу систематизовані дані дослідження, відповідно до якого мета застосування державного примусу полягає у відновленні порушених прав. Тобто коли одна людина порушує права й свободи іншої людини чи групи людей, держава зобов'язана відреагувати на такі дії. Реакція держави має полягати в якнайшвидшому відновленні порушених прав і свобод та застосуванні відповідних заходів примусу до правопорушника.

**Ключові слова:** держава, суспільство, державне управління, людина, громадянин, права людини, примус, правові відносини, право

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