

## Interpretations of a Protest Variations in the Humanities

Marina V. Markhgeym, Alevtina E. Novikova, Oleg N. Polukhin

Evgeniy E. Tonkov and Anna V. Zejnalbdyeva

Belgorod State University, 85 Pobedy Street, The Belgorod Region, 308015 Belgorod, Russia

---

**Abstract:** Approaches to definition of a protest in social, political and legal sciences are presented in study. Taking into account contents of concepts of the complex right and independent subjective right, researchers offered own position of interpretation of the right for a protest in modern conditions.

**Key words:** Protest, right for a protest, protest relations, democracy of the protest relations, social protes

---

### INTRODUCTION

In the last decade there were many significant events in political life of Russia and other countries of the world on which protest actions exerted a great influence. The protest movements only gain the steam. In some situations people do not see other exit except how to act with a protest action “to reach” the state and its official representatives. Such protest activity could not but influence development of scientific interest in various branches of knowledge (Hall *et al.*, 1986).

Owing to absence in the legislation of an accurate definition of the right for a protest, in jurisprudence the variety of approaches to interpretation of it, in our opinion, fundamental, taking into account requirements of time, a concept is also observed.

So, G.V. Maltsev addressed the right for a moral protest in the context of the moral bases of the right. Researchers position also democracy of the protest relations and the protest relations, the right for a political protest, consider contents and efficiency of realization of the right for a protest. Also, the right for a public protest (Anonymous, 2016) in the context of an obligation of the state it is distinguished to guarantee. In this regard, the appeal to substantial interpretation of the right for a protest the humanities is submitted urgent.

### MATERIALS AND METHODS

**Technique:** In research various general scientific methods and ways of logical knowledge are used: analysis and synthesis, abstraction, system and formal and logical approaches. Achievement of a stated purpose was promoted by application of comparative and legal and legallistic methods.

### RESULTS AND DISCUSSION

The right for a protest and its practical expression is traditionally investigated by humanitarian disciplines.

So, from the point of view of political science the protest has special value for political system, for the operating mode of board. The political protest is no other than negative reaction of the individual (group of individuals) to the political strategy developed in the state, a political public situation or a certain action of separate bodies of the state and political opponents. The major factor provoking the protest movements is the weak commitment of individuals to the values prevailing in society, low degree of an identification with the announced political goals of the mode, dissatisfaction with the created system of relationship of the citizen and the state, fear for the future. From the point of view of political science the protest is often caused by inefficient technologies and the irrelevant strategy of realization of the power.

The American political scientist U. Milbray subdivides political participation on conventional, i.e., legal and not conventional, beyond the law, moral standards, morality. However, the scientist takes out a political protest for a framework of the classification, allocating it with special situation. He considers a protest openly shown expression of denial both the most political system and its separate elements. To political system in general to its separate elements, norms, values, the made decisions in openly shown form.

Concerning told, we hold the opinion that the political protest is more many-sided socio-political phenomenon which can possess the most diverse forms including both conventional (lawful) and non-conventional (are beyond legislative regulation) political actions and behavioural practitioners.

Thus, the concept of a political protest has to include not only active and public forms of social discontent but also the passive political behavioural practitioners reflecting social discontent with the existing political system or its separate elements.

At the same time, other extreme the point of view of some researchers who expand concepts of a political protest to the level of public consciousness and social moods of oppositional character (Kriesi, 1992).

In political science the concept of a deprivation based on researches in the field of psychology and explaining the causes of protest movements is developed. A deprivation a mental condition of discontent which emergence is caused by long deprivation or essential restriction of opportunities of the personality (Paterson, 1974). In such conditions the individual begins to believe that, having expressed the negative attitude, he will be able to achieve the desirable objectives.

In sociology the protest behavior from the point of view of standard approach is considered as a type of activity, the disorderly conduct arising in the conditions of insufficiently developed standard system and practice of use of lawful channels of interaction of citizens with public agents. Within conflict sociology the protest behavior is treated as a form of the embodiment of a political conflict, a way of the population to openly express disagreement with actions of the authorities, "natural manifestation of the political position turned on resolute change of public and political foundations".

Concrete substantial filling of the right for a protest was embodied in law available two opinions: concepts of the complex right and concept of the independent subjective right.

As for the concept of the complex right, it is not conventional in science of constitutional right. Taking into account its provisions the example of the complex rights can be considered the right of citizens for national representation.

Nevertheless the system of the political rights which realization promotes is considered by scientists whom existence of the complex subjective right for a protest does not admit within the protest relations or, on the contrary, interferes with development of the protest relations. In particular, act as such rights and freedoms: right for the address, for participation in administration of the state, freedom of assembly, press, unions.

The right for a protest as "one of ways of manifestation of moods in society and also one of mechanisms of implementation of citizen's initiatives, an opportunity to be a participant of a public action which can draw attention of both public authorities and the public to a significant problem" considers. Level of guarantees of realization of such right is also a scale for determination of level of democratization of society.

A.A. Dzhangaryan believes that it is wrong to pursue recognition of value of the right for a protest to create a cornerstone of all democratic society from providing a social protest. The protest, though is considerable subject and substantial aspect of realization of all complex of the socio-political rights, does not form the autonomous right. He sees the right for a protest as one of sides of a right to liberty of meetings. Democratic society has to have equal opportunities for realization of the right to gather for people both going to a section with authorities in power and supporting the developed political system. And to provide this equality, legislatively fixed procedures of holding such meetings are necessary to avoid broad interpretation to the detriment of realization of freedoms of citizens.

It is represented, the given approaches do not exclude each other who however is the most acceptable as from a theoretical and practical side consideration of the uniform but difficult and compound right for a protest in manifestations seems. The separate political rights only promote realization of the right for a protest.

We consider important to note the point of view of A. A. Troitskaya according to which the right for a protest can be exercised not only citizens in an individual and collective order but also also by representatives of the power (members legislative, executive and sometimes and judicial authorities of the power), at expression of the disagreement by them with the position chosen as the majority. In this case takes place to be the so-called "special" right for a protest. It both the veto and submission of the bill, expression of dissenting opinion and the appeal to the supreme judicial authority for an explanation of the constitutional norms in case of their disagreement with the course offered by the majority. Thereby, we will emphasize that the protest relations mention the most different institutes of constitutional right-human right and the citizen, elections, political parties, representative bodies of the power, the constitutional control, etc.

Thus, in jurisprudence there is no consensus about whether the right for a protest is-the right "to resist" to a position and solutions of authorities in power or the right for a protest represents a bipolar opportunity to operate both contrary to the authorized power and on its party.

In foreign science there is also no consensus concerning interpretation of category "right for a protest". So the right for a protest is treated as freedom of the person following from a number of recognized human rights. In view of the fact that any human rights document, any constitution do not recognize the absolute right for a protest, the right for a protest can be shown in freedom of assembly, freedom of associations and

freedom of expression. The right for a protest is identical to the right for peaceful assemblies and appeals with complaints to public authorities, guaranteed by the basic law of the state

Recently many consider activity on social networks, such as, for example, Facebook as one of options of realization of the right for a protest. It is connected with influence of social networks on development of protest movements in such countries as Egypt, Chile, etc., (Valenzuela *et al.*, 2012)

The analysis of the given generalizations concerning conceptual interpretation of a protest allowed to reveal subjects, a form, types of a protest and also his addressees and an object. So, the person, the state, institution can act as subjects of a protest (including in plural). Among them obviously does not get public bodies. Of course, public authorities, making official statements of protest property, the states act on behalf but they, quite often, have also powers, own on it.

As forms of a protest we will call a categorical objection, the official statement, a motivated objection of the prosecutor; as its types- mass, collective, individual. The state, public body, establishment, the public or not public figure can act as addressees. Protest objects-the decision or action of addressees causing disagreement of subjects, the judicial or administrative act.

In the listed constitutional forms, each of which is determined by subjective constitutional right, all objections concerning real or imaginary human rights violation, a disturbance by actions (inaction) of authorized bodies, dissatisfaction with the policy pursued by the state, etc., can be presented in principle.

The constitutional right on a protest can be defined as derivative of other constitutional rights. And their metamorphoses in principle do not require the objective bases.

The constitutional right on a protest plays the serving role in legal protection of other constitutional rights, remaining at the same time an object of legal protection.

According to the contents the constitutional right on a protest corresponds to the political rights to a large extent though through use of protest forms the political

rights were got the constitutional fixing. In this regard we consider reasonable reference of the right for a protest to category of the rights of the first generation.

In the context of the conducted research we suggest to interpret the right for a protest as a possibility of everyone in the established forms active actions to express and represent the point of view which is not coinciding with beliefs of other subjects of power-attitude, shown both in opposition of a position of authorities in power and in its support on various questions of government.

## CONCLUSION

It should be noted that the concept of a protest should not have negative coloring as something destructive, criminal. The protest is one of mechanisms of democratic society, participation in management of the democratic state. Such specification is capable to influence seriously the legislator's position and also body of the constitutional control at interpretation of the norms governing the political relations including at establishment of limits of implementation of these or those political rights of subjects of constitutional legal relations.

In general, the constitutional content of the right for a protest needs the special development taking into account current trends and conditions.

## REFERENCES

- Hall, R.L., M. Rodeghier and B. Useem, 1986. Effects of education on attitude to protest. *Am. Sociol. Rev.*, 51: 564-573.
- Kriesi, H., R. Koopmans, J.W. Duyvendak and M.G. Giugni, 1992. New social movements and political opportunities in Western Europe. *Eur. J. Political Res.*, 22: 219-244.
- Paterson, R.W.K., 1974. The concept of deprivation. *Stud. Adult Edu.*, 6: 28-49.
- Valenzuela, S., A. Arriagada and A. Scherman, 2012. The social media basis of youth protest behavior: The case of Chile. *J. Commun.*, 62: 299-314.