

ROLE OF FREEDOM OF EXPRESSION OF POLITICAL VIEWS AND BELIEFS IN THE FUNCTIONING OF A DEMOCRATIC POLITICAL

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Abstract. The article examines the role of freedom of expression of political views and beliefs in the functioning of a democratic political regime. It is stated that freedom of expression of political views and beliefs is a guarantee for the functioning of representative democracy, where the rights and freedoms of citizens are protected by legal mechanisms, and repressive influence by the government is prohibited. It is emphasized that freedom of expression is the foundation for building a democratic society free from censorship. The ability to express one's thoughts and beliefs, challenge opposing political views, and criticize opponents without fear of persecution or retaliatory measures reflects the difference between living in a democratic country and living in a totalitarian state.

Freedom of expression of political views and beliefs ensures the real implementation of the principles of multipartyism and ideological diversity, allowing citizens to exercise their political rights and make choices based on their own convictions. This freedom is an integral element of the functioning of civil society and the establishment of the rule of law. It has been emphasized that without a free press, without the free dissemination of information and ideas, without the right to access information, freedom to create information messages, and the freedom to use available communication channels for transmitting and spreading information, there can be no discussion of the existence of a rule of law state or a developed and stable civil society.

It has been noted that the freedom of expression of political views and beliefs is the legal framework and foundation for the realization of other important civil and political human rights: the right to freedom of assembly and association, the right to freedom of speech, and the right to freedom of thought, conscience, and religion. It has been concluded that the freedom of expressing views and beliefs must be protected both in the interests of democratic processes in the state, for which it is decisive, and in the interests of the self-realization of each individual as a person.

Key words: freedom of expression of political views and beliefs, human rights, freedom, democracy, civil society, rule of law.

РОЛЬ СВОБОДИ ВИРАЖЕННЯ ПОЛІТИЧНИХ ПОГЛЯДІВ ТА ПЕРЕКОНАНЬ В УМОВАХ ФУНКЦІОНУВАННЯ ДЕМОКРАТИЧНОГО РЕЖИМУ

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Анотація. У статті досліджується роль свободи вираження політичних поглядів та переконань в умовах функціонування демократичного політичного режиму. Констатовано, що свобода вираження політичних поглядів та переконань є гарантією функціонування представницької демократії, де права

і свободи громадян захищаються правовими механізмами, а репресивний вплив влади заборонений. Зазначено, що свобода вираження поглядів є фундаментом побудови демократичного суспільства, вільного від цензури. Можливість висловлювати свої думки та переконання, оспорювати протилежні політичні погляди, критикувати опонентів, не боячись при цьому переслідувань та заходів помсти, свідчить про відмінності між життям в демократичній країні та життям у тоталітарній державі.

Свобода вираження політичних поглядів та переконань забезпечує реальне здійснення принципів багатопартійності та ідеологічного різноманіття, дозволяє громадянам, реалізувати свої політичні права, робити вибір, виходячи з власних переконань. Така свобода є невід'ємним елементом функціонування громадянського суспільства та побудови правової держави. Акцентовано увагу, що без вільної преси, без вільного поширення інформації та ідей, без права на отримання інформації, свободи створення інформаційних повідомлень, свободи використання доступних каналів зв'язку для передачі та поширення інформації – не може йти мова про існування правової держави, розвинутого та стабільного громадянського суспільства.

Зауважено, що свобода вираження політичних поглядів та переконань є правовою матрицею та основою для реалізації інших важливих громадянських та політичних прав людини: права на свободу зборів та об'єднань, права на свободу слова, права на свободу думки, совісті та релігії. Зроблено висновок, що свобода вираження поглядів та переконань підлягає захисту як в інтересах демократичних процесів у державі, для яких вона – визначальна, так і в інтересах самореалізації кожної людини як особистості.

Ключові слова: свобода вираження політичних поглядів та переконань, права людини, свобода, демократія, громадянське суспільство, правова держава.

In the context of rapid dynamics and the implementation of new technologies, international connections are actively expanding, leading to interdependence between countries. Today, it is not difficult to learn about the level of protection of human and citizen rights not only in neighboring states but also in those located on different continents. Clearly, due to openness, awareness, and knowledge of the current state of affairs, the society of each country strives to achieve common standards for the protection of human rights and freedoms, with human needs and interests being the driving force behind this process. From this, we can conclude that modern globalization processes are based on the desire to ensure the observance of human rights and promote their implementation, while still preserving traditional values, the core of which is the establishment of the rule of law and the protection of fundamental human rights and freedoms. At the same time, it is important to note that the global community constantly faces new challenges and threats that hinder the progressive process of preserving these values. In this context, a priority task for Ukraine on its path to integration into the European Union is the improvement of national legislation and its adaptation to international legal standards in the field of human rights.

Modern society is increasingly concerned about the implementation of one of the most fundamental human rights—the right to freedom of expression of political views, as well as the transparency of the information space, and the guarantees of free exchange of opinions, safe civil protest, which manifests in various forms and arises for various reasons.

Any transformations in this direction should be based on the experience of civilized foreign countries. Given this, the domestic legal doctrine must address numerous tasks, with the key one being a critical analysis of the current legislation that regulates the right to freedom of expression of political views and beliefs, its alignment with European values and standards. Legal science is tasked, in the context of European integration, with finding mechanisms for the implementation of political pluralism, preventing disinformation and propaganda that can manipulate citizens' political beliefs, ensuring access to official information, and promoting transparency in the activities of state authorities in order to form well-founded political positions.

Taking this into account, we find it appropriate to analyze the freedom of expression of political views as an important foundation for the functioning of a democratic political regime, and, therefore, to characterize the significance of its existence within the framework of widely accepted and internationally recognized European standards.

Freedom of expression as a fundamental human right is reflected in the main international human rights documents of global and regional importance. Certain aspects related to the content of freedom of expression, international legal regulation of its restriction and protection at the international universal and regional levels have been the subject of research in the works of the following Ukrainian researchers: M. Baimuratov, M. Buromenskyi, A. Voitsikhovskiy, M. Hnatovskiy, T. Korotkiy, V. Lysyk, A. Melnyk, L. Yarmol, and others

The freedom of expression of political views and beliefs has repeatedly been legally enshrined as a natural and unquestionable right in the most important documents that constitute the so-called standard in the field of human rights and freedoms protection. The system of documents that regulate the implementation of this right to varying degrees is highly diverse and eclectic. Its content includes, firstly, universal international documents that form the standard in the field of freedom of expression of views and beliefs; secondly, regional international documents that duplicate and partially develop the provisions of the international standard; thirdly, supplementary international documents that interpret the provisions of the international standard; fourthly, advisory international documents in the area of compliance with and limitations on the freedom of expression of views and beliefs; and fifthly, international documents containing norms that establish responsibility for specific violations related to the abuse of the right to freedom of expression of views and beliefs. It should be noted that in international legal norms, the definition of the legal model of such freedom largely remains the prerogative of the national legislator, while the comprehensiveness and effectiveness of its protection from possible violations and unlawful encroachments is the responsibility of the state.

With the crystallization of the freedom of expression of views and beliefs by international and national institutions, it remains one of the most important and necessary elements for the functioning of civil society and the establishment of the rule of law. In the European legal space, the concept of implementing such freedom has served as the foundation for the historical development of political and social institutions of civil society. The history of the struggle for freedom of speech, thought, and self-expression contains numerous examples, both positive and negative, which still hold instructive value today. From the entire history, an unequivocal conclusion emerges: without a free press, without the free dissemination of information and ideas, without the right to access information, the freedom to create informational messages, and the freedom to use available communication channels to transmit and spread information—there can be no talk of the existence of democracy, a developed, and stable political society.

The effectiveness of implementing the right to freedom of expression of political views and beliefs is an indicator of the political maturity of society. The level of this right granted to citizens reflects the development of the state, the degree of self-organization of civil society, and the legal and political consciousness of the population. When directed through legal mechanisms in a positive direction, the freedom of expression of views and beliefs can serve as an effective tool for educating the younger generation in the spirit of respect for the individual and the opinions of others, in the spirit of justice and freedom, mutual understanding, with the aim of developing the concept of human rights, equality of citizens, and social, political, and cultural progress.

The freedom of expression of political views and beliefs is undoubtedly a crucial condition for the functioning of a democratic political regime. Freedom of expression, as one of the essential foundations of a democratic society [3, p. 2]. It is an inseparable element of exclusively democratic states, where the rights and freedoms of citizens are protected by legal mechanisms and where repressive governmental influence is prohibited. A democratic regime ensures the possibility of open discussion on socially and politically significant issues, which is impossible in totalitarian states due to the fear of persecution and repression of dissenters. In such regimes, this freedom is restricted by censorship, repression, and control of the information space. Totalitarian regimes view the freedom of expression of political views and beliefs as a threat to their existence, as independent thoughts and criticism may undermine the monopoly of power over public consciousness.

The freedom of expression of political views and beliefs is a means of achieving democracy. In turn, democracy seeks to achieve recognition of certain positions through the free exchange of ideas, the formation of public opinion, and to grant them the power of democratically legitimized legislation.

The freedom of expression of political views and beliefs is an instrument for direct citizen participation in the public discussion of actions taken by government bodies and local authorities. It is the legal framework and foundation for the realization of other important civil and political human rights: the right to freedom of assembly and association, the right to freedom of speech, and the right to freedom of thought, conscience, and religion. It is impossible to be elected to government bodies without the ability to express one's own opinion, and it is impossible to exercise the right to associate without publicly formulating the ideology of a party or movement. If the right to openly express thoughts and positions is absent, the very essence of freedom of assembly is lost.

Only by ensuring the implementation of the freedom of expression of political views and beliefs in public life through functioning state and civil society institutions can effective protection of other human rights

and freedoms be achieved [5, p. 11]. Otherwise, in the absence of this freedom's realization, other civil and political rights lose their significance.

A developed society is strong due to the diversity of its views. As a result of the integration of different political views, approaches, and ideas, public opinion is formed, along with convictions that are called political ideology. Usually defined as a system of legal and political ideas, views, directly or indirectly related to the practical life of people and its evaluation, political ideology is aimed at preserving or changing the social and state structure through various means.

Analyzing the standards of understanding the right to freedom of expression in Ukraine, E. Titko points out that state support for the development of civil society should include establishing a productive dialogue between the government, non-governmental organizations, and citizens, as well as the public response of state authorities to initiatives and appeals from citizens. The implementation of such a state policy is possible through the freedom of expression of views as the freedom of political debates, which is an essential precondition for making well-considered and substantiated political decisions on any social issues [2, c. 395].

The freedom of expression of political views and beliefs is a natural reflection of the objectively existing right of every individual, group of people, and their associations to freely develop their political interests and ideological positions; to propagate their views, spread and defend them by all existing legal means; to work on the realization of political ideas through the development of program documents, bills, presenting them for consideration by state bodies, and participating in the implementation of already accepted public proposals by these bodies.

A society that strives for democracy must protect the freedom of expression, which is nothing less than a necessary precondition for this process. Democracy is the presence of a certain skepticism in political matters. It is not formed by any external or top-down opinion within the existing political order and, in this way, transforms such an order into an object of open political processes, where different opinions can compete with varying degrees of success. It involves the participation of everyone, assuming that the mobilization and engagement of each person's creative potential is the best thing for society in the long run. The right to participate, along with the positive effect of potentially contributing to the public good, has another equally important blocking function: it at least protects from the worst outcome, from an incompetent, possibly even despotic government and other forms of abuse of power.

Thus, considering the above, it can be stated that the freedom of expression of political views and beliefs is one of the most important freedoms in a democratic state, a necessary condition for a stable political society, and a guarantee for the functioning of representative democracy. As T. Slin'ko notes in this regard, real freedom of speech contributes to the formation of a democratic civil society, creating conditions for its preservation and strengthening [1, c. 87].

The freedom of expression of political views and beliefs ensures the real implementation of ideological diversity, allowing citizens, while exercising their political rights, such as the right to vote and be elected, to rely on reliable and complete information and make choices based on their own beliefs. On the other hand, this freedom protects both representatives of the state and society from arbitrary actions by state authorities and their officials. Transparency and the freedom to assess the actions of government bodies encourage them to act in accordance with the interests of the population.

Having high social significance, the freedom of expression of political views and beliefs can be ensured in politics and mass media: without the freedom of expression, open exchange of opinions on important issues becomes impossible. Such an exchange implies the existence of different viewpoints, which may be incorrect or unacceptable to certain segments of society. In one of the leading cases under Article 10 of the European Convention on Human Rights, *Handyside v. United Kingdom*, the European Court of Human Rights concluded that freedom of expression is a cornerstone of a democratic society, which includes not only the freedom to express views that are popular but also those that may cause outrage and public reaction [4].

Freedom of expression is one of the fundamental principles of building a democratic society, free from censorship and state control over the self-expression of individuals. The ability to express one's thoughts and beliefs, to challenge opposing political views, to criticize opponents without fear of persecution or retaliation, indicates the difference between life in a democratic country and life in a totalitarian state.

The existence of modern representative democracy, which in many aspects is a product of free expression of thoughts and public discussion of different ideas, directly depends on ensuring and protecting this

freedom. The practice of democratic states shows that freedom of expression is critically important for innovation, social progress, and the formation of civil society—goals that totalitarian systems are incapable of achieving. Uncontrolled and widespread violation of this freedom leads to the degradation of society and the entire system of state power, obstructing the development and self-expression of each individual as a person.

Based on the above, it can be stated that the freedom of expression of views and beliefs must be protected both in the interests of democratic processes in the state, for which it is a defining foundation, and in the interests of individual personal development, with which it is closely connected. Among numerous human aspirations, the need to express oneself is one of the most important. Humans are social beings, and as such, they are communicative by nature, needing interaction, contemplation, and expression of their own thoughts, beliefs, and ideas. Self-expression in its individual, autonomous form, taking into account its orientation towards others through communicative symbols and connections, is a natural component of what it means for an individual to be human. Today, gaining recognition from others can no longer be achieved through coercion, and only in rare cases through habit or customs, but primarily through understanding and reasoned arguments. Imposed norms cannot claim legitimacy because they do not rest on the agreement of the subjects. This argument, which introduces a new impulse into the debate about freedom of expression, is especially important for understanding key normative and political issues. It clarifies that normative and political progress without the participation of critically thinking, evaluative subjects is impossible. Thus, the social value of freedom of expression lies in the ability to establish normative and political truths on issues of public interest, as well as in the need for self-realization of every individual through the free expression of ideas, beliefs, and personal thoughts.

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