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FACTORS OF THE FORMATION OF MODERN UKRAINIAN PARLIAMENTARISM

Abstract. The article highlights the issues of formation of modern Ukrainian parliamentarism, revealed external, internal and destructive factors of influence on these processes and is indicated on the way to overcome them.

Keywords: parliamentarism, factors, destructive factors of formation of parliamentary, civil society, representative democracy, parliament.

ЧИННИКИ СТАНОВЛЕННЯ СУЧАСНОГО УКРАЇНСЬКОГО ПАРЛАМЕНТАРИЗМУ

Анотація. У статті висвітлено питання становлення сучасного українського парламентаризму, виявлено зовнішні, внутрішні та деструктивні чинники впливу на ці процеси та вказано шляхи їх подолання.

Ключові слова: парламентаризм, чинники, зовнішні, внутрішні та деструктивні чинники становлення українського парламентаризму, громадянське суспільство, представницька демократія, парламент.

ФАКТОРЫ СТАНОВЛЕНИЯ СОВРЕМЕННОГО УКРАИНСКОГО ПАРЛАМЕНТАРИЗМА

Аннотация. В статье освещены вопросы становления современного украинского парламентаризма, выявлены внешние, внутренние и деструктивные факторы влияния на эти процессы и указаны пути их преодоления.

Ключевые слова: парламентаризм, факторы, внешние, внутренние и деструктивные факторы становления украинского парламентаризма, гражданское общество, представительная демократия, парламент.

Target setting. The relevance of the research factors of modern Ukrainian parliamentarism caused by the complexity of the process, Ukraine has relatively little experience regarding the formation of parliamentary and a large number of the factors that have not been properly studied, that influence this process. Therefore, it is important determining the factors of modern Ukrainian parliamentarism, especially the need to identify and deal with its external, internal, and destructive factors. Particularly important in the current political situation and governance are gaining conclusions, recommendations and ways to overcome the negative phenomena in the formation of modern Ukrainian parliamentarism, aimed at addressing and overcoming obstacles to the establishment of Ukraine as a democratic and legal state.

Analysis of the recent studies and publications. There are few works regarding the factors on formation of modern Ukrainian parliamentarism in Ukrainian scientific literature and, in particular, the science of public administration. The authors mainly highlight the problems associated with the impact of the factors on the development of parliamentarism in Ukraine

and gaps in their knowledge. Among the scientists who recently dedicated their work to this issue are: O. Bondarenko, S. Havrysh, V. Hoshovska, V. Zvirkovsky, V. Kulykova, V. Opryshko, I. Suray, V. Telipko and others.

Determining the factors that affect the formation of the modern Ukrainian parliamentarism is among the previously unsolved aspects of the main problem.

Purpose of the article is to identify external and internal destructive factors that influence the formation of modern Ukrainian parliamentarism and indicate ways to overcome them.

The statement of basic materials. The phenomenon of parliamentary is part of the process aimed at the state building on the whole European continent. Also, adoption in 1991 the Act of Declaration of Independence of Ukraine and adoption the Constitution of Ukraine by Verkhovna Rada of Ukraine on June 28, 1996 are events that confirm the beginning of the formation of parliamentary even in Ukraine and the development path of civil society and legal adoption of new conditions and organizational and legal bases of activity of the civil society and government institutions. It was the

Constitution of Ukraine that established the existence of our parliament as a modern European legislative body type. The process of adjustment and changes in the status and role of parliament and parliamentary is continuing even now. Therefore, there may be the development prospects of the Verkhovna Rada of Ukraine as a legislative body and the Ukrainian parliamentarism [4].

According to the Constitution of Ukraine through a single legislative body – the parliament – the people exercise their sovereign power, itself as a source. Parliaments primarily embody democratic principles of the state, acting as the primary guarantors of the procedural democracy. This is due to a set of powers, the role and significance in the system of government. Legislative bodies define the content and nature of the entire legal system, actively influencing the practice of its usage. Their work appears on the well-being of the population as a whole, and individual members of the local communities and the nature of the regime of constitutional law and public order, the realization of citizens' constitutional rights and freedoms, their guarantees and protection [10, p. 72].

The development level of parliamentarism in any country indicates on its democratic principles and the quality of life of population and affects the state building as a whole. The state of modern Ukrainian parliamentarism reflects the general state of relations in society. The phenomenon of parliamentary is relatively new in Ukrainian realities and policy, and is still in the stage of its development and formation. That is why we have many gaps and inconsistencies and obscurities even on this concept.

A large number of citizens of Ukraine do not accept the parliamentary system as a necessary phenomenon for the country and its democratic development. There are opinions that the presence of parliamentary means only the presence of the parliament in a country that is not in fact the true understanding of the phenomenon of parliamentarism [8]. Thus, O. Bondarenko said that parliament and parliamentarism are different social and political phenomena that can co-exist in countries with developed democratic political regime [1].

The essence of the parliamentary system lies in its political and legal orientation on dialogue to search a constructive compromise, the ability of the representative body freely discuss and make decisions in the form of laws. Parliamentarism is a system of state management of the society, based on a separation of powers, representation and control the level of legislative and controlling competence of the parliament [4, p. 11].

According to the team of authors led by scientists S. Havrysh and V. Opryshko, the parliamentarism is defined as a system of interaction between the state and society, in which the leading role belongs to parliament. In this system, they believe, there are many actual theoretical and practical problems that need to be addressed [5].

In a general sense parliamentarism can be defined as a system of formation and activity of the supreme representative body of the state, political relations and institutions somehow related to it. The foundation of modern parliamentarism is the recognition of the sovereign people. Parliament also called to

be the mouthpiece of the ruling sovereignty of the people [6].

In the scientific community, parliamentarism is conceptually considered as a system of power relations based on the division of power, the multiplicity of interests of different social groups, civil society, freedom of political pluralism, respecting the rights and freedoms of man and citizen. The rule of law is the main determinant of a parliamentarism principle, whereby, the legislature is in priority in relation to the executive and the judiciary authority. Legislative bodies, such as parliaments are trusted by the people [9].

There are many scientific views on the parliamentarism and many of its definitions. Their analysis suggests that the most important thing in understanding this phenomenon is to determine the leading role of parliament in the organization of the public authority. Therefore, the parliamentary reform should encourage further development in Ukraine the parliamentary democracy as a system of government in which parliament becomes the organizing center of political life of the state, takes the center stage in the operation of the power mechanism, shaping governmental policies, and ensuring its legislative safeguards and monitoring the implementation of the Constitution and laws of Ukraine by other governmental bodies [5].

On Ukraine's way to become a democratic, legal, social state, it must overcome significant challenges and barriers that hinder further development of the Ukrainian society. These are the influencing factors on the formation of parliamentarism: external, internal and destructive factors.

A factor is a condition, the driving force, the reason for any process that determines its character or one of the main features; dimension [8].

The important factor that determines the content of the phenomena of parliament and parliamentarism is a form of government authority is in a particular country. It is characterized that precisely under a presidential republic the parliament is not only a legislative body, but also serves as one of two (except the president) centers of the concentration of political power. Linking the notion of parliamentarism with a parliamentary form of government authority, which is quite usual for members of political science cannot be equating. In general, the role of parliament and parliamentarism in each specific country is largely dependent on the form of government accepted in it. However, the phenomenon of parliamentarism is present in terms of existing of all modern progressive forms of governance [11, p. 12].

External and internal factors of modern Ukrainian parliamentarism, in our opinion, are the factors that directly affect both outside and inside the country.

As the external factors we consider the following: globalization processes in the world, European integration of Ukraine and geopolitics that define the vector of direction of the development of our country. Influence of different international organizations and communities, where Ukraine is a member (EU, UN), as well as political and financial institutions collaborating with our government (IMF et al.), which anyway are the factors that influence on the formation and development of the

parliamentarism in modern Ukrainian society. Thus, Ukraine is too much dependent on IMF loans. No effective and systematic cooperation with international non-governmental organizations and is not used fully their experience of cooperation with the authorities. Ukrainian society is lacking highly skilled professionals with work experience in countries with well developed democracies. Today in Ukraine is still continuing the process of joining the European Union, which has its changes in parliamentarism as well. An important factor is also the international recognition of our state, which began recently – after the events in 2013-2014.

The *internal factors* in our opinion are the following: national idea and ideology, development of civil society, active civil position of every citizen of Ukraine, political stability, and equality in the electoral process, open and fair elections, peace and unity in the country, and social factor. Also factors of influence are the political parties and political institutions that operate in the territory of Ukraine. Also, there are internal factors of the development – the historical process of state building and the mentality.

Among the factors complicating the process of the parliamentarism V.Zvirkovska highlights: the imbalance of elements of the political system, contradictions and conflicts that periodically sharpened between branches of government and political institutions. One of the main roles in the complicated relations between public authorities plays Verkhovna Rada – the parliament of Ukraine. Conflict and permanent state of tension between the executive and legislative branches caused

by a number of objective and subjective reasons, including: unstructured social interests on political grounds, lack of sustainable electoral legislation, imperfection of judicial and administrative reform, etc. All this indicates that not only individual elements, but the entire political system needs to be improved through scientifically based concept of reforming it [2].

Revealing the essence of parliamentarism V. Telipko writes that the parliamentarism is a system of organization and functioning of public authorities on the basis of the constitutional principle of separation of powers guaranteeing their independence and autonomy. That is the main criterion of parliamentarism is not the rule of parliament, but the formation and functioning of the body on the basis of the constitutional separation of powers. Parliamentarism is a special system of the state management of society, which is characterized by the distribution of legislative and executive power, with significant political and ideological role of parliament. Parliamentarism cannot exist without the parliament, but also the parliament cannot exist without some of the most important elements of parliamentarism, which include the separation of powers, representative character and legitimacy. Parliamentarism is a special system of organization of the government authority that is structurally and functionally based on the principles of separation of powers, the rule of law in conditions of the leadership role of the parliament with the aim of establishing and developing social justice and the rule of law [10, p. 73].

Parliamentarism should not be characterized by the opposition, but the

interaction of powers for the good of the people, for the good of state integrity and prosperity. [9]

From the experience of developed European countries, we support the idea that the interaction between government and society leads to the progressive development of the country. [9]

The Ukrainian civil society is only beginning to develop; interaction with the public authorities is rather low. Public organizations that are being created do not always reflect the will of the people, sometimes they are created for single projects or to meet only the needs of the members of the non-governmental organizations, they are often not heard by the authorities. Many citizens of Ukraine do not take an active part in public life, and there are those who do not have active social position, because ever since the communist repression, people are afraid to express an opinion or to defend it. The community keeps silence, and the government does not require its activity, and especially interaction with it. Therefore, the Ukrainian society is not in the best light: the government has high level of corruption, the country has economic and political instability, there is real territorial threat from neighbors, and the vulnerability of young people who in search of a better life travel abroad to study or make earnings and seldom returns home. There is a certain lack of professionalism of the authorities on the ground, there is a huge social tension and crisis of the government interests and civil society that is neither educated, nor trained regarding their rights and opportunities [9].

Thus, in the current regulation of the Cabinet of Ministers of Ukraine

“On public participation in the formulation and implementation of public policy” stipulates that the executive authorities must take action to create community councils and ensure their functioning on the ground [7]. It sounds promising for the active civil society of Ukraine as now public can participate in the formulation and implementation of public policy. But in practice, we believe, this is a formality. Community councils were established by the management of Ukraine under the requirements of joining the European Union and nothing more. Because in reality community councils were created on paper, in their members were introduced non-governmental organizations that have been tempered to the authority bodies and just supported authority bodies and their policies. The status of community councils, defined by this Regulation [7], as an advisory body to the executive authority bodies, so the advice that is submitted by the community councils is considered deliberately, formally, and taking advice is often simply ignored. That community is not heard [9].

Civil society has slowly begun its development by only small steps after the Revolution of Dignity, but these changes cannot be considered fruitful and constructive. Political changes and democratization of the state.

Ukraine stayed long as a deformed state. Today, the state goes to a new stage of development — the formation of relations in parliamentarism.

Representative democracy, which showed in the Western countries its appropriateness and necessity, means, above all, the transfer of authority to legislation and making important

political decisions in the parliament [6].

The people of Ukraine transferred its powers to elected representatives and expressed its confidence in solving important state affairs. The representatives of the people are not complying fully with obligations imposed on them, they have no responsibility towards the citizens of Ukraine on their election promises [9].

There are a number of People's Deputies in the Verkhovna Rada of Ukraine who lobby business interests. Political parties cannot agree among themselves to work constructively for the good of Ukraine. Sometimes are pronounced populist speeches and just, and the people is not getting the solution of urgent problems. Ukrainians get desperate seeing what officials and People's Deputies hold on their positions and seats for their own benefit, but not to solve the people's problems. Law-making body – the Verkhovna Rada of Ukraine has turned into a smithy, preparing bills under its sphere of influence, but not to protect the rights and freedoms of voters. People's Deputies are the representatives of the people, representing private interests, protect their benefits, and do not serve the people properly, as required in a democratic society [9].

Work experience of the Verkhovna Rada of Ukraine in conditions of independence of our country shows that law-making activity of the supreme representative body cannot be clearly recognized as positive or negative. The positive aspect is that a range of public relations much expanded, which are governed by laws, and the negative is that some of these laws are still far from perfect [5].

However, it should be said that people's representations in the transitional societies are capable of playing the role of a "school of democracy". They strengthen the determination to find a democratic solution to the problems encountered opposition to the authoritarian tendencies. [6]

Today in the Verkhovna Rada of Ukraine unfortunately does not exist a consensus between the coalition and the opposition, and there is no constructive dialogue between them. Politicians do not bear personal responsibility for decisions taken and laws. In the Verkhovna Rada of Ukraine can be seen insufficient cultural level of parliamentarians, during the meetings they quarrel and insult each other. Unfortunately, there is no dignity and respect in the session meetings [9].

In the Ukrainian democracy exists a crisis of political democracy. There is a lack of political consciousness of citizens. The parliament and the government lack a true Ukrainian elite. Not fully implemented a rule of the Constitution of Ukraine (Article 5), on which the bearer of sovereignty and the only source of power in Ukraine is the people [3].

We believe that there are destructive factors of the national parliamentarism development – undeveloped party system, weak social background, lack of legally defined status of the parliamentary opposition and the mechanism of interaction of the parliamentary majority. The electoral system is flawed, weak legal factor and low level of legal culture and political awareness among the population; we can say even miserable level. There are minimum voter turnouts in elections – absen-

teeism. Manipulation of votes is also present. There is a political pluralism and policy of different direction among politician. No formation and development of the political elite in the state. In the state, there is no responsibility for political parties to the electorate and lobbying private interests. The parliament has lost its image in the public opinion. There is a predominant influence of business groups, oligarchic clans and financially powerful groups on society in general. In the population has begun prevalence of people with low incomes. As a result of military operations in eastern Ukraine, we are losing economically strong areas, trades with Russia, there is a dependence on the financial resources of the IMF. We lost the role of a transit state. Today Ukraine has the low competitiveness of the economy to external markets, there is a financial and economic crisis, monetary dependence. Ukraine has a neutral status as a state. There is ineffectiveness of international mechanisms to protect the integrity of Ukraine. During the hostilities in the eastern part of Ukraine, has increased the illegal circulation of weapons in society at large, steady increase in radical sentiments. The state has a large number of internally displaced persons. Until now, there is absence of reforms in the judiciary. The media are mostly pocket, rather than separate and independent. The country has an existing high level of corruption and the minimum responsibility for such actions. The incomplete legal system does not ensure the development of parliamentarism in Ukraine. Law enforcement is weak in general. There is bureaucracy in the government bodies. Non-governmental orga-

nizations that are created and function do not cover the most active citizens. There is a hardened clan-oligarchic political system in the state that reduces its social nature.

The historical experience of Western parliamentary confirms the thesis that there is no ideal, once and for all established form of representative democracy. From here is one of its advantages — openness to innovations and enhancements that meet the changing demands of real life. Therefore, the parliaments of the West yet able to cope with the challenges of recurring processes and eliminate its degradation [6].

So, as a **conclusion**, should be noted that parliamentarism in Ukraine is going through complicated and lengthy process of its formation. It has a wide range of problems. There is much controversy and have not been fully resolved issues.

Ukrainians lack of justice, the level of legal knowledge of the people is in a very low position. This is an indicator of democratic processes in any country of the world.

The main destructive factors of parliamentarism in Ukraine, in our opinion, as for now are: misunderstanding and rejection of the phenomenon of parliamentarism; inability, unwillingness or inability of the political (political and administrative) elite to change habits, standards, norms and rights to the democratic, its lack of awareness of parliamentarianism; insufficient consideration of parliamentarians and authorities the public opinion [9].

Ways to overcome the destructive factors of modern parliamentarism in Ukraine, in our opinion: development of the national idea and ideology, consoli-

dation of society; protection of rights and freedoms; equality of all citizens before the law; civil society development; active social position of every citizen of Ukraine; forming a true Ukrainian elite in public administration; prejudice and conflict resolution in society; raising living standards to European levels, removal of social tension due to the economic component; amendments to the law regarding the responsibility of People's Deputies before voters and getting rid of the mandate for their ineffectiveness; create safeguards for constructive opposition activities; reducing the number of People's Deputies (in proportion to the number of population) [9].

Prospects for further research in this area should be applied to clarify and supplement the factors influencing the formation of parliamentarism in Ukraine.

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