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THE FORMATION OF PARLIAMENTARISM AND IT'S IMPACT ON THE DEVELOPMENT OF DEMOCRACY AND FORMATION OF INSTITUTE OF THE PUBLIC ADMINISTRATION

Abstract. The article deals with the parliamentary system in Ukraine as a factor state creation from from its historical origins to the present day. The multidimensional structure of the parliament and its influence on the development of democracy and the formation of the institute of public service.

The generality of the action of the state and society, legal state and civil society is forming a new quality of public administration, which is based on the culture of parliamentarism as the constant feeling of the state and society to each other, the partners awareness of the importance of dialogue between the authorities and society, all its citizens in the development of mechanisms for such dialogue, achieving positive results of co-creation on the basis of this dialogue.

Keywords: public administration, political and legal institutions, democracy, nation-building, democracy, parliament, parliamentary system, parliamentary government.

СТАНОВЛЕННЯ ПАРЛАМЕНТАРИЗМУ ТА ЙОГО ВПЛИВ НА РОЗВИТОК ДЕМОКРАТІЇ І ФОРМУВАННЯ ІНСТИТУТУ ДЕРЖАВНОЇ СЛУЖБИ

Анотація. У статті розглядається парламентаризм в Україні як чинник державотворення від його історичних витоків до наших днів. Розглянуто багатовимірну структуру парламенту, його вплив на розвиток демократії та формування інституту державної служби.

Спільність дії держави і суспільства, правової держави і громадянського суспільства формує нову якість державного управління, основою якого є культура парламентаризму як постійне відчуття державою та громадянським суспільством одне одного, в усвідомленні партнерами важливості діалогу влади й суспільства, усіх його громадян у виробленні механізмів такого діалогу, досягненні позитивних результатів співтворчості на базі зазначеного діалогу.

Ключові слова: державне управління, політико-правовий інститут, демократія, державотворення, народовладдя, парламент, парламентаризм, парламентське врядування.

СТАНОВЛЕНИЕ ПАРЛАМЕНТАРИЗМА И ЕГО ВЛИЯНИЕ НА РАЗВИТИЕ ДЕМОКРАТИИ И ФОРМИРОВАНИЕ ИНСТИТУТА ГОСУДАРСТВЕННОЙ СЛУЖБЫ

Аннотация. В статье рассматривается парламентаризм в Украине как фактор государствотворения от его исторических истоков до наших дней. Рассмотрено многомерную структуру парламента, его влияние на развитие демократии и формирование института государственной службы.

Общность действия государства и общества, правового государства и гражданского общества формирует новое качество государственного управления, основой которого является культура парламентаризма как постоянное ощущение государством и обществом друг друга, в осознании партнерами важности диалога власти и общества, всех его граждан в выработке механизмов такого диалога, достижении положительных результатов сотворчества на базе указанного диалога.

Ключевые слова: государственное управление, политико-правовой институт, демократия, государствотворение, народовластие, парламент, парламентаризм, парламентское управление.

Target setting. The political history of mankind convincing evidence: the dominant trend of civilization is the gradual democratization of social life. The history of parliaments and the idea of the establishment of democracy

and it's origins date back to ancient times. The oldest existing parliaments are Icelandic Althing (930 y.) and the Parliament of Great Britain, which began it's existence from 1295. Initially forms of representative government in Kiev Rus were known to the council, Boyar Council, feudal conventions, which largely contributed to the establishment of modern forms of popular representation.

Despite the long history of parliaments, parliamentarism arose only in the nineteenth century. The idea was to demand parliamentary control over government decisions, faith in the public opinion and publicity that arose in the fight against the policy of absolute monarchs.

The analysis of certain aspects of parliamentarism issues, determine it's place and role in public administration. The study of parliamentarism is general character, especially in the context of public-management science are rare, hence the need for a comprehensive scientific analysis of the state and prospects of development of parliamentarism as a means of state, his influence on the development of democracy and formation of the civil service.

Analysis of recent research and publications. It should be noted that the general theoretical question of power, including the activities of national representation, studied in the works of prominent philosophers, including such as Aristotle, Platon, Marcus Tullius Cicero, G. V. F. Hegel, T. Hobbes, B. Kistyakovsky, A. V. Dicey, H. Grotius, T. Carlyle, John Locke, John Mill, I. Bentham, M. Luther, K. Marx, N. Machiavelli, G. A. Mably, J.-J. Russo, Max Weber, Karl Popper, B. Spinoza and others.

However, the important were research and development scientists in the field of public administration, history and theory of law, constitutional and administrative law including E. A. Afonin, G. V. Atamanchuk, V. D. Bakumenko, M. N. Bilynska, A. O. Bilous, N. T. Goncharuk, V. A. Goshovsky, K. O. Vashchenko, R. V. Voytovych, V. Golub, A. Klimenko, O. L. Kopylenko, I. O. Kulchiy, I. F. Nadolny, A. V. Liubchenko, M. P. Nedyuhy, N. R. Nyzhnyk, O. J. Obolensky, V. M. Oluyka, L. A. Pashko, V. M. Solovyov, V. V. Tsvetkov, V. M. Shapoval, M. P. Yuzkov, O. Andriyko, O. Bandurka, J. Butta, A. Gheorghitsa, M. Hurenko-Weizmann, V. Goncharenko, V. Zhuravsky, O. Zarubinskyi, M. Karamzina, M. Koziubra, V. Kopyeychykova, V. Lytvyn, O. Maidannyk, A. Matsyuk, G. Moskal, A. Naidenova, M. Nelipa, N. Onishchenko, V. Opryshka, M. Orziha, V. Pohorilko, M. Savchina, O. Skakun, I. Slovskoyi, I. Solov'yevycha, S. Stetsenko, V. Tatsiya, J. Todyky, J. Frytskoho A. Shevchenko, J. Shemshuchenko and others.

Simultaneously, the general principles of parliamentary government are in the research of eminent scientists, including S. Verba, V. Gorbatenko, A. Kolodiy, J. Atala, E. Burke, E. Bjork, John Washington, B. Huhhenberhera, John Keane, A. Leypharta, D. Madison, Sharle Montesquieu, G. Mosca, D. Rastou, John Sartori, A. de Tocqueville, U. Rostow.

The purpose of the article. The article is to analyze the patterns of formation of parliamentarism, it's impact on

democracy and formation of the civil service and to identify it's essential characteristics as a part of public administration in Ukraine.

The statement of basic materials. The history of modern European parliamentarism shows that the introduction of democracy and resolve social conflicts, pluralism, civil society clearly correlated with a parliamentary form of government. An important phase of development of Ukrainian parliamentarism began with constitutional recognition of the legal status of the Verkhovna Rada of Ukraine. The formation and improvement of Parliament and parliamentarism enables, given the time that has elapsed, to assess the significance of the legal foundations of society and the state, to determine the reform of public power state imperative of Ukraine [1, p. 1].

Since 2010, through the abolition of the changes made to the Constitution of Ukraine in 2004 and return to a presidential-parliamentary form of government in Ukraine has been a strong executive branch is built. Easing lever efficiency constitutional "checks and balances", the restriction of parliamentary control, conversion of Parliament, to thanks of the pro-presidential majority, with independent legislative body in one of the presidential vertical elements led to increased corruption, economic stagnation, oppression and revolutionary democratic change in the country's leadership.

In this regard, to counter of the negative trends in the country, it's necessary as soon as possible to establish an effective relationship and interaction between branches of government, to provide targeted state influence on the state and development processes and relationships aimed at improving the functioning of the state organs and quality of life.

The signing in 2014 between of Ukraine and the European Union the Association agreement was another step aimed at reviving European parliamentary traditions. The restoring European direction actualized the need for the civil society development, concepts of legal and social state and replace authoritarian system of public administration to a democratic. Currently, there is every reason to consider the parliamentarism and public administration as a system of government characterized the recognition of the leading role of the Parliament in a clear division of legislative and executive functions, what possible only when a democratic political system. The parliament that is fully or partially formed through direct elections, carried out of the main politically active groups in society and control functions are implemented by the executive power [1, p. 1].

The Parliament called exercise overall management of internal and foreign policy, although the scope of it's competence largely driven by form of government, the state of democracy and so on. However, the effectiveness of these components of the modern state may be insufficient, if not solve the relationship between parliament and government, public administration and local government.

Quite often in the scientific literature Parliament is identified with the parliamentarism, but the existence and functioning of Parliament is don't evidence of the formation of the latter.

Parliamentarism, as a politico-administrative phenomenon has a complex internal structure, elements of which are interrelated. About parliamentarism appropriate to talk only if there Institute of electing deputies, when citizens eligible to vote elect their representatives to the authorities. Accordingly, the principle of election can be seen as one of the most recognized forms of control over the decisions of Parliament.

The development of democracy as a social phenomenon and practice of life in the highest legislative body of the political and legal support to the process of government, control over the executive, the legitimization of political and legal decisions are part of the overall public administration system [1, p. 2].

The idea of Ukrainian parliament historically had discrete mainly because Ukraine for a considerable time in it's history was in other states. In turn, the Ukrainian social and political thought for centuries to support and justify the need for the existence of representative bodies and representative government.

In the Soviet Union recognized the principle of democracy, but the principle of separation of powers rejected entirely. Previous experience of representative government in Ukraine at this time hushed up or denied.

The Parliament Soviet era (the period of quasi parliaments) formally has many related features of parliaments, but in essence of this. There was not separation of powers, the dominant party and government hierarchy. The Council hasn't acted on a regular basis, there was a gathering of non-autonomous and Deputies for approval and promulgation of laws making party-state bodies.

The Verkhovna Rada of Ukrainian Soviet Socialistic Republic, as well as parliaments of other countries, formed by parliamentary elections. These elections, however, were specific. Party organs have formed a contingent of deputies based on proportional representation of women, workers, teachers, doctors, scientists and non-party. So the Verkhovna Rada elected "the best representatives of the bloc of Communists and non-party" in unopposed, with full control of party structures. Typically, announced that the votes for each candidate at least 99,9 % of voters.

Prerequisites for this was laid during the creation of the Soviet Union. The Bolsheviks after coming to power declared uncompromising fight against "parliamentary prejudices", calling parliaments "bourgeois talking shop". V. I. Lenin in his work "State and Revolution" is wrote: "Without representative institutions we cann't imagine democracy, even proletarian democracy without a parliament can and must" [2, p. 60].

The principle of democracy Bolsheviks recognized, and the principle of separation of powers rejected entirely. In this election to the Bolsheviks did not allow "unearned element". Supreme state power were declared of which ensure the implementation of laws by deputies of councils of all levels. Council executive committees have, ie simultaneously performed and the executive. In fact established a system of party-administrative dictatorship, where power-sharing between different branches of it was not.

The ability to create their own parliament in the USSR came after the Constitution of the USSR XIV National Congress of the Soviets in 1937. According to this constitution in 1938 was elected Verkhovna Rada of the Ukrainian SSR of the first convocation. According to the Constitution in 1937 Parliament recognized the only legislative body of the Ukrainian SSR. convened its session of Presidium of the Supreme Soviet of the Ukrainian SSR twice a year. The structure of the Supreme Council included: the Council of Elders of the Supreme Soviet; the Presidium of the Supreme Soviet of the Chairperson, first deputy, deputy, secretary and 19 members of the Bureau; The party band Supreme Soviet; Investigators and audit committee; Standing Committee of the Supreme Soviet had the credentials, budgetary, legislative predictions [2, p. 60].

The Verkhovna Rada, which was the collective head of state, elected at the session and was accountable to Parliament as the Council of Ministers and the Supreme Court. It's had the right to issue decrees. Thus, the following elements were present separation of powers in the Constitution in 1937, Parliament proclaimed the sole legislative authority; Parliament had no right to interfere in the jurisdiction of the collective head of state — of the Supreme Council and the Council of Ministers; The Verkhovna Rada had no right to make amendments in existing laws; The Council of Ministers proclaimed supreme executive body of state power. When Parliament was formed Council of Elders of recommendatory functions. It consisted of Verkhovna Rada and his deputies, the Chairman of the Supreme Council, his deputies and the secretary, chairman of the standing committees of deputies and representatives of regions [2, p. 60–61].

The composition of party groups were all Communist deputies. Party group produced an agreed position on all matters considered session. Group meetings held before the start of the session. It determined the agenda, rules sessions, abstracts, draft legislation and candidates for public office.

The fourth SSR Constitution was adopted on 20 June 1978, the seventh extraordinary session of the Supreme Soviet of the Ukrainian SSR. Like the Constitution of the USSR in 1937, the new Constitution of the Republic also identified the place and role of the Supreme Soviet of the system of government, devoting her series of articles placed in Chapter 12, which was called "The Verkhovna Rada of the Ukrainian SSR". According to art. 97 of the Constitution, the Supreme Council of the USSR was assigned the status of the highest organ of state power of the Ukrainian SSR, and in part two of this article stated that "the Supreme Soviet of the Ukrainian SSR is empowered to decide all matters within the USSR Constitution and this Constitution to the jurisdiction of the Ukrainian SSR" [2, p. 61].

Thus, the competence of the Supreme Soviet new Constitution was equated to the jurisdiction of the USSR, and the Parliament has acquired the right to examine and resolve any issue, including one that belonged to the competence of the Presidium of the Supreme Soviet and the USSR Council of Ministers. Consequently, the legal status of the Supreme Soviet

is now completely based "on the Marxist-Leninist idea of the sovereignty of the Soviets, incompatible with the theory of separation of powers, which is categorically denied by the Soviet doctrine" [2, p. 61].

Constitution of the USSR in 1978 has identified some other important provisions of the organization and activities of the Supreme Soviet, including authorized the Verkhovna Rada of the Ukrainian SSR elect the Presidium of the Supreme Soviet — a permanent body of the Supreme Soviet, which was accountable to its activities and carried out within the limits prescribed by the Constitution, features the highest organ of state power in the USSR between its sessions. According to p. 1, art. 109 of the Constitution of the USSR in 1978, the Presidium of the Supreme Soviet nadilyalas right in between sessions of the Verkhovna Rada (with subsequent submission for approval at the next session), if necessary, make changes to the current legislation Ukrainian SSR. It should be noted that this provision of the Constitution to some extent degrade the status of the Supreme Soviet as the highest representative body of the government, allowing accountable to the Presidium to intervene in the legislative activity of the Supreme Soviet [2, p. 61].

Thus we can conclude that the Supreme Council of the Soviet era formally had much in common with the parliaments, but in essence were not. These non-autonomous existed and were on top of the hierarchy of councils at all levels. Supreme Council of the Soviet era were also parliaments that don't operate continuously. Parliamentary session convened twice a year for short periods of time. It was a decorative collection of Deputies for approval and promulgation of laws making party and administration.

Constitution of the USSR in 1978 didn't provide power division not served as a limitation of that power not only from formal positions, but also in terms of it's physical operation, as none of the declared principles of state not relied on the necessary legal instruments to implement them. State and public authorities have been derived from the constituent power of the people and not subordinate to the latter due to the nature of formal legal guarantees enshrined in the Constitution of free elections that really were not. The state is not subordinated to the principles of separation of powers and the rule of law; the balance of power was destroyed and substituted the functions of party activity states not determinuvalas human rights (instead of the dominant ideology of dependence oktroyuvannya citizens' rights and freedoms by the state).

For the Soviet state-building practices were unknown tradition of separation of powers and any instruments of checks and balances between different branches of government that replaced authority of the Communist Party (through constitutionally proclaimed in art. 6 of the principle of leading and guiding role of the Communist Party) in formally proclaimed the sovereignty of the people and formally unlimited powers of the supreme body in the system of councils [2, p. 62].

The fundamental principles of Soviet parliamentarism were:

- Denial of the principle of separation of powers as bourgeois

principle and institution of parliamentary by replacement fictitious, self-certification "absolute power tips", which served as a good cover government party nomenclature, which conducted its shares by resolution councils at various levels, giving thus the appearance of legitimacy;

- Denial of the principle of political pluralism through constitutional recognition of the leading role of the communist party, recognized that the core of the political system, state and public organizations;
- In the Soviet Union, despite the existence of the All-Ukrainian Congress of Soviets and later the Supreme Soviet of the Ukrainian SSR, parliamentary government as a political practice existed. Although these institutions Soviet era formally had much in common with the parliaments, but in essence were not. There was no separation of powers, the dominant party-administrative vertical, elections of deputies were free and transparent. Council did not act on a permanent basis, there were non-autonomous and decorative collections of Deputies for approval and promulgation of laws making party and administration [2, p. 62–63].

As noted above, this stage of parliamentary government in Ukraine is the period of quasi parliaments.

Parliaments are a kind of ideological center of the formation areas of the state, the scene of regular debates on its socio-political and state system where deputies should prevent the need for certain changes under the programs of parliamentary parties, blocs, factions and groups.

The main features of the parliamentary identification are: a) control powers of parliament to the government; b) the work of parliamentarians on a regular basis; c) the presence of parliamentary immunity and privileges; d) availability of voting rights [1, p. 8].

The process of reforming the system of power in Ukraine began just after it gained independence and is one that continues to this day. By the Constitution of Ukraine this process was rather finding an optimal model of state power. The adoption of the Verkhovna Rada of Ukraine of the Basic Law has led to the growing influence of Parliament in the whole system of public administration in Ukraine.

At present Ukraine is going through a difficult period, which is largely caused by the imperfection of the fundamental rules of democracy, defined in the text of the current Constitution, and the lack of stable political potential mechanisms for the implementation of the Constitution. Need a radical restructuring of certain aspects of evolutionary social understanding of the law itself and on the constitution. Specifically talking about the assimilation of mentalities of every citizen of the main provisions democracy as the rule of law and national governance. Thus, the development of modern Ukrainian state requires consideration of the nature of democracy as a socio-political system and it's implementation mechanism through constitutionalism.

As a form of political system of democracy arose with the emergence of

the state as one of the varieties of it government or political regime. From other forms of government democracy distinguishes official recognition of majority rule, equality of citizens, the rule of law, all election or major government agencies and government personalities.

There are direct and indirect democracy. In the first case the main decisions taken by the state of direct citizen participation: voting at meetings, rallies and other gatherings, referendums. In the second — decisions are elected bodies, individuals, representative of who voters to subcontract (given the election) his right to decision-making or choice positions on major aspects of social life [3, p. 121–122].

Renowned scientist B. Johnson claimed that constitutional democracy has two thousand years of trial and error, and pointed to the need for mastering the difficult lessons of the past in order to obtain a favorable outcome in the future [3, p. 122].

Although democracy as a socio-political phenomenon studied since ancient times, is unlikely to present there any other constitutional-legal concept, which is different, different from one another interpretation in foreign and domestic political, legal and public administration literature [3, p. 122].

As a multidimensional social phenomenon of democracy in the process of social development is a complex evolution, due to specific historical combination of objective and subjective factors, acquiring the characteristics of ages, cultures, civilizations, where it becomes a form of organization and management of existing social relations [3, p. 122].

The postulate is that the institution of democracy is based on the concept of democracy as active participation and influence society through expression that combined national, political, social and other interests and capable of a final, decisive coordinated actions of the government and local authorities. [4, p. 105] Democracy has the right to immediately respond to request the State to establish the constitutional order, determining the mechanism of state and local government authorities in which people set power and self-governing authority in the interests of the individual and citizen, all Ukrainian society [4, p. 105].

Individual subject of direct democracy is every adult and capable citizen of Ukraine on it's behalf accepts personal imperious decisions in the management of public (state, local and general professional) affairs. Collective subjects of direct democracy are the Ukrainian people, local community group (association) citizen's occupational (belonging to the profession), a group of residents (area, neighborhood, quarter, street, etc.) [5, p. 151–152]. Thus, every citizen of Ukraine may be the subject of direct democracy in several forms of collective manifestation of direct democracy: a) for general (state) level; b) at local level; c) organizational (professional) level [5, p. 152].

The content of the constituent power is natural and constitutionally secured the exclusive rights of the Ukrainian people, these include: a) the right to self-determination, which includes the right to establish their own sovereign and independent State or the installation of any other political statute; b) the right to make the con-

stitutive act (Constitution, the Basic Law) of the definition of the constitutional order; c) the right to determine and change the territory of their country; d) the right to form (periodic re-election) of the Verkhovna Rada of Ukraine elected head of state (President of Ukraine) [5, p. 152].

The main method of implementation Ukrainian nation of its own political rights, making up constituent power is the vote of every citizen for making a decision at the national referendum and elections. The result of constituent power is the only solution that binding. The mechanism of implementation of these decisions by public authorities should be clearly defined in law [5, p. 152].

In this regard, the government should meet the requirements set out in the Constitution — be legal, social and democratic, reflecting the structure and operation of a modern constitutional state. Conceptually higher degree of understanding of the sovereignty of the people need to see the right of the Ukrainian people to vote in the most important matters of state policy, national and cultural freedom, the disposal of national wealth and property of other people, the establishment of constitutional order, limit government law in the name of justice and other areas of general public interest of the people exercise [4, p. 105].

Thus, the concept of democracy reflects their dialectical content and its formation is recorded at the stages of economic and social development of mankind.

The democracy as a form of social organization is the subject of a study on the first day of its existence. Currently in political science had at least three approaches to the study of cognition. First, a theoretical model of the ideal, which is characterized by higher goals and principles of democracy. Second, as a function of Procedure rational allocation of resources of power and wealth. Thirdly, as a normative empirical model of political system [3, p. 122].

Considering the above, it may be noted that the essence of the parliamentary system is a system of organization and functioning of the government, based on the active role of parliament during its implementation. The main feature is the implementation of parliamentary sovereign will of the representative body of the nation, a government based on the balance of political forces in the parliament and government accountability to Parliament [1, p. 12].

The main negative trends in the formation and development of parliamentarism are: violation of constitutional norms on personal voting of deputies of Ukraine; expansion of the powers of factions at the expense of the rights and powers of individual members; the practice of passing laws without proper discussion of the simplified procedure; the growing influence of the bureaucracy in the process of lawmaking.

The impact on parliamentary formation and development of a system of government provides a picture of all the components, elements and their relationships in the state mechanism, which has important theoretical and methodological significance from a position of the government as practical, organizing and regulating the state's influence on the social livelihoods of people. This creates stable relations,

direct and inverse, relationship and interdependence between the state and civil society, and between parliament and the public administration.

In developed democracies, parliamentary system is the embodiment of the importance of the legislature and has a significant influence on the formation and development of public administration [1, p. 12].

The main ways to influence parliamentarism formation and development of public administration in Ukraine include: proper legal regulation of the formation of the parliament; establishing limits and content structuring Parliament; optimize decision-making procedures; achieve the necessary independence of Parliament in relation to other organs of the state; conditionality grounds for the dissolution of parliament only its decisive influence on the formation of the government.

As part of the formation and development of parliamentarism as a means of state in Ukraine urgency is the issue of organization and implementation of partnership between the parliament and the public administration.

The mechanism of interaction in the "Parliament — the public administration" should be officially recognized as a system of mutually beneficial relations in the common issues that are of common interest. Cooperation between public administrations should be based on such principles as legitimacy; priority of general interest; taking into account the common interest and mutual responsibility; compliance with applicable law. However, determined that the parliamentary system should be focused on legislative support of public areas in implementing consensus principles of the supreme legislative body of the state, responsibility (accountability), transparency, effectiveness and efficiency of the legislative activity [1, p. 12].

Parliaments play a significant role in public administration. They provide and guarantee a democratic system.

Conclusions. In order to improve areas of government, the parliamentary system should be focused on: improvement of the state system and training of all its institutions to parliamentary; completion of the formation of the parliament as important and full subject of public administration in Ukraine; dramatic changes in social consciousness, political and legal culture of citizens awareness of the need functioning parliamentary system of government in Ukraine as a subject of supreme influence over the government [1, p. 13–14].

One of the main directions of improvement of public administration in modern conditions of parliamentarism has become co-creation of the state and society, in other words, parliamentary tasks are: to learn to delegate to parliament people with relevant professional and moral qualities; elect parliamentary procedures by implementing such models overall development which would consolidate the nation meet its historical expectations, provided generations. In this sense, there are reasonable questions relating to software related, coordinated action by the state and society, the subordination of state important functions of society: tsiledosyahannya, adaptation, integration, stress relief and renewal of public administration [1, p. 14].

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